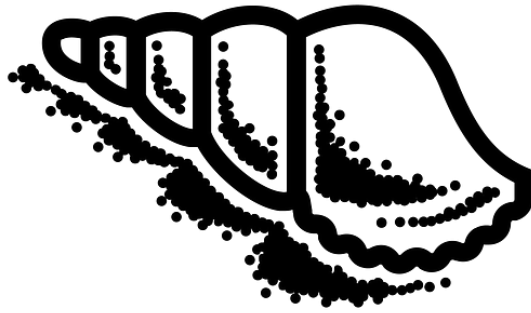




**Mornington
Peninsula Shire**

COUNCIL MEETING

TUESDAY, 14 APRIL 2026

6:30 PM

**MUNICIPAL OFFICES
BESGROVE STREET, ROSEBUD**

MORNINGTON PENINSULA SHIRE COUNCIL**WARDS AND COUNCILLORS**

Beek Beek	Cr Kate Roper
Benbenjie	Cr Max Patton
Briars	Cr Anthony Marsh
Brokil	Cr Patrick Binyon
Coolart	Cr David Gill
Kackeraboite	Cr Stephen Batty
Moorooduc	Cr Bruce Ranken
Nepean	Cr Andrea Allen
Tanti	Cr Paul Pingiaro
Tootgarook	Cr Cam Williams
Warringine	Cr Michael Stephens

EXECUTIVE TEAM

Mr Mark Stoermer Ms Cheryl Casey Mr Andrew Pomeroy Mr Davey Smith Ms Kelly Gillies	Chief Executive Officer Director – Communities Director – Planning and Liveability Director – Assets and Infrastructure Chief of Staff
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RECORDING

Please note that this Council Meeting will be livestreamed to the Mornington Peninsula Shire's YouTube channel and a recording of the meeting will be available on the Shire's website.

Recording of persons in the public gallery is not intended but may occur incidentally. By attending this meeting, you consent to being filmed at the meeting and the possible use of subsequent recordings in a live streaming or published video of the meeting.

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1 OPENING AND WELCOME

Appointed Chairperson – Deputy Mayor, Cr Paul Pingiaro

1.1 Acknowledgement of Country

To be read by Cr Roper

Mornington Peninsula Shire acknowledges the Bunurong people, who have been the custodians of this land for many thousands of years; and pays respect to their elders past and present. We acknowledge that the land on which we meet is the place of age-old ceremonies, celebrations, initiation and renewal; and that the Bunurong peoples' living culture continues to have a unique role in the life of this region..

2 PROCEDURAL MATTERS

2.1 Apologies

2.2 Disclosure of Conflicts of Interest Pursuant to Sections 126 – 131 of the *Local Government Act 2020*

2.3 Confirmation of Minutes

RECOMMENDATION

That the Minutes of the previous Council Meeting held on 17 March 2026, be confirmed.

2.4 Councillor Briefing Sessions

Councillor Workshop Sessions – 10 March 2026

Councillor Briefing Sessions – 31 March 2026

RECOMMENDATION

That Council receives and notes the record of Councillor Workshop Sessions for 10 March 2026 and the Councillor Briefing Sessions for 31 March 2026.

2.5 Petitions and Joint Letters

A petition of 12 signatures has been received in relation to dog access at Somers Beach. The petition is requesting –

1. Off-leash dog access at Somers Beach during early morning and evening hours (before 10.00am and after 5.00pm), when the beach is typically quiet.
2. Seasonal off leash access during winter months when beach usage is significantly lower.
3. Limiting this to the section of beach west of the Somers Yacht Club towards Balnarring.

Immediate Comment

Whilst Shire officers thank the petitioners for the time they have taken in gathering signatures and submitting the petition, unfortunately Council is not the land manager for the nominated stretch of the Somers foreshore and therefore have no power to amend the dog controls. This area is managed by the State Government Department of Energy, Environment and Climate Action (DEECA), and Shire officers would encourage the petitioners to lodge their submission with the state.

Action Officer: Strategic Projects Coordinator Community Safety, Health & Compliance.

RECOMMENDATION

That Council receives and notes the Petition relating to limited dog access on Somers Beach.

2.6 Public Question Time

Questions from the public shall be dealt with at the commencement of the meeting.

The aim of public question time is to provide an opportunity for the public to ask general questions at Council Meetings requiring routine responses. Questions with or without notice can be submitted.

Questions with notice are to be received in writing by 12.00pm the Friday prior to the relevant Council Meeting and can be lodged via the Shire's website. Questions received by this time will be provided with a considered response prepared by the relevant Shire officer and read by the Chief Executive Officer (CEO) at the Council Meeting.

Questions without notice must be lodged in person no later than 15 minutes prior to the commencement of the meeting. The question will be read by the CEO and taken on notice with a written response forwarded to the person asking the question within 7 days of the Council Meeting and published on the Shire's website.

This segment does not substitute for appeal or other formal business procedures with the Council.

3 COUNCILLORS AND DELEGATES REPORTS

At each Council Meeting, all Councillors will have the opportunity to provide an overview of any meetings attended as an appointed representative of Council.

If a Councillor chooses to provide details, the name of the conference/event and the Councillor attending will be noted in the Minutes for that meeting. If a Councillor requires additional information on the conference/event to be included in the Minutes, the Councillor must submit it in writing to Governance by 12.00 noon the day following the meeting.

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Arts and Culture Advisory Panel	Cr Gill	Cr Patton	Tori Hayat, Team Leader – Arts and Culture
Association of Bayside Municipalities	Cr Patton	Cr Williams	Lachy Chapman – Water and Coasts Coordinator
Audit and Risk Committee	Cr Ranken Cr Batty	Cr Stephens	Mark Schubert, Financial Officer
Australian Coastal Councils	Cr Patton	Cr Roper	Lachy Chapman – Water and Coasts Coordinator
Bass Park Trust	Cr Stephens	Cr Gill	Pam Vercoe, Manager – Governance and Risk
Climate Resilience Community Reference Group	Cr Gill	Cr Stephens	Chris Yorke, Energy and Carbon Management Officer
Disability Advisory Committee	Cr Binyon	Cr Williams	Monica Seal, Community Wellbeing and Inclusion Coordinator
Mornington Peninsula Friends of Lospalos	Cr Binyon	N/A	Chris Munro, Manager – Community Partnerships and Engagement
Greater South East Melbourne (GSEM)	Mayor	Deputy Mayor	Mark Stoermer, Chief Executive Officer
Health and Wellbeing Committee	Cr Williams	Cr Batty	Kate Hills, Manager – Community Wellbeing
Metropolitan Transport Forum	Cr Patton	Cr Roper	Peter Bourlotos, Traffic & Transport Coordinator

Association/Committee	Representative/s	Substitute Representative/s	Shire Contact
Mornington, Hastings and Southern Peninsula Liquor Accords	Cr Batty	N/A	Katherine Cooper, Team Leader – Business and Industry Support
Mornington Peninsula and Western Port Biosphere Reserve Foundation – Council Liaison Group	Cr Stephens	Cr Patton	James Rose, Team Leader – Natural Systems
Mornington Peninsula Cemetery Trust	Cr Roper Cr Pingiaro Cr Batty	N/A	Jenny Brown, Senior Cemeteries Officer
Municipal Association of Victoria (MAV)	Mayor	Deputy Mayor	Pam Vercoe, Manager – Governance and Risk
Peninsula Advisory Committee for Elders (PACE)	Cr Williams	Cr Roper	Helen Ridgeway, Positive Ageing Officer
South East Councils Climate Change Alliance (SECCCA)	Cr Pingiaro	Cr Marsh	Nicci Tsernjavski, Climate Change Partnerships Officer and Daniel Kabel, Climate Resilience Coordinator
Triple A Housing Committee	Cr Gill	Cr Patton	Petrina Dodds-Buckley, Housing Projects Lead
Victorian Local Governance Association (VLGA)	Cr Roper	Cr Stephens	Pam Vercoe, Manager – Governance and Risk

4 MANAGEMENT REPORTS

OFFICE OF THE CEO

4.1 Draft 2026/2027 Annual Budget

Issued By	Financial Controller
Authorised By	Chief Executive Officer
Document ID	A14047385
Briefing Note Number	Not Applicable
Attachment(s)	1. Draft 2026/2027 Annual Budget

EXECUTIVE SUMMARY

This report seeks Council approval to place 'Delivering What Matters Most' our draft 2026/2027 Budget on public exhibition for a four-week period from 20 April 2026 to 17 May 2026.

This draft Budget (Budget) was shaped by the extensive community feedback we received for our Council Plan, as well as three years of community-nominated spending priorities. Rather than asking community members to nominate their priorities yet again, we used what they had already told us to prepare a draft Budget for public consultation.

This budget has been prepared based on the information available at this time. Shire officers are carefully monitoring the impact of the fuel crisis on both Council services and our community and have begun working on contingency plans, which may impact the Budget. Any potential changes to the Budget as a result of the ongoing economic instability will be presented to Council for consideration.

The draft Budget includes high-level funding of our services, an appendix of the proposed user fees and charges for 2026/2027 and the draft capital works program for 2026/2027. We welcome community input on this draft Budget ahead of adoption in late June.

RECOMMENDATION

That:

- Council approves the Draft 2026/2027 Annual Budget being placed on public exhibition for a period of 4 weeks to seek community feedback.**

4.1 (Cont.)

- 2. Council notes a further report will be presented to Council seeking adoption of the 2026/2027 Annual Budget following the public exhibition period and will include a summary of community feedback and any proposed amendments to the Budget.**
- 3. The Chief Executive Officer is authorised to make any administrative changes to the Draft 2026/2027 Annual Budget.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, D, G and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- G. The ongoing financial viability of the Council is to be ensured.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

Not applicable.

DISCUSSION**Purpose**

The purpose of this report is to seek Council approval of the Draft 2026/2027 Annual Budget for public exhibition.

Public exhibition will provide an opportunity for the community to understand and comment on Council's draft service funding, user fees and charges and the

4.1 (Cont.)

annual capital works program. It will also provide the community the opportunity to submit suggestions for Councils consideration.

Background

This Budget has been developed in line with assumptions and principles of the adopted Financial Plan 2025–2026 to 2035–2036. The Budget has been prepared with the changes to the Rating Strategy as adopted by Council on 17 March 2026, primarily the change to the Waste charge. The retirement village differential rate will be included as adopted by Council once rate data is finalised in May.

The Following are key assumptions and inclusions in this Budget:

- Extensive feedback has shown roads and drainage continue to be our community's top priority. After increasing our investment in road maintenance by 72% last year, this draft Budget further increases spending on roads and drainage maintenance and Capital Works by 19% or \$7.5 million.
- Capital Works expenditure for 2026/2027 is budgeted to be \$47.5 million, with Council funding \$34.2 million. This includes \$1.4 million for footpaths, \$500,000 to upgrade Rosebud Memorial Hall and \$300,000 for our urban forest project.
- This budget includes \$1 million in community capital grants to strengthen the resilience of our community assets.
- \$120,000 is set aside to implement actions from the domestic animal management plan, including funding for a desexing program.
- A rate cap of 2.75% was set by the Minister. The average rate will increase by approximately \$47 or less than \$1 a week and provide Council with approximately \$6 million in additional income.
- The waste charge has increased significantly following State Government Legislation, with new bin requirements costing \$4.5 million this financial year. The total waste charge for properties with a kerbside collection has increased \$137 per annum. This includes approximately \$48 per property to roll out State Government-mandated new bins and bin lids.
- For those without kerbside collection and only paying the public cleaning charge, the waste charge has reduced by \$279.

Options for Consideration

Council has the option to approve this Draft 2026/2027 Budget for public exhibition. This is recommended by Shire officers to receive community feedback

4.1 (Cont.)

on the service level funding, user fees and charges, Capital Works program and any other submissions from the community.

ENGAGEMENT

Subject to Council approval, the Draft 2026/2027 Budget will be placed on public exhibition for four weeks. Community feedback will be invited on service level funding, user fees and charges and capital works program outlined within the Budget along with any other feedback or proposals from the community.

Following the exhibition period, feedback will be analysed and reported back to Council, along with any recommended amendments, prior to seeking final adoption.

COMMUNICATIONS PLAN

If approved for exhibition, the Draft 2026/2027 Budget will be published on Council's website and promoted through existing Council communication channels. Considering the changing economy, inflation and fuel crisis, further work is currently being undertaken on the communication plan in time for exhibition from 20 April 2026.

LEGAL AND REGULATORY FRAMEWORK

Council has developed this draft 2026/2027 Annual Budget following statutory procedures, best practice guidance as specified by Local Government Victoria and adopted Financial Plan 2025-2026 to 2035-2036.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

This Budget considers in detail, the services provided by Council and investment in these services and assets. Waste services have been significantly impacted in this Budget due to State legislation requirements and increasing costs.

FINANCIAL CONSIDERATIONS

This draft Budget reflects the assumptions of the adopted long-term financial plan, decisions of Council and State Legislation changes, particularly in waste. It demonstrates responsible budgeting with the Comprehensive Income Statement, only unfavourably varying to the adopted financial plan by \$2.8 million, despite a \$7.5 million variation in depreciation. Whilst a deficit is currently shown in the Income Statement, capital works grants already received but with works to be carried over into 2026/2027 will allow the funding to be recognised next year and result in year-end surplus position if all other assumptions remain correct.

As outlined in the report, this Budget will continue to be reviewed ahead of adoption in June 2026 to ensure the latest modelling on the fuel crisis is included.

4.1 (Cont.)

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.2 Request to attend Australian Tidy Towns Sustainability Awards 2026 – Councillor Max Patton

Issued By	Manager Governance & Risk
Authorised By	Chief Executive Officer
Document ID	A14047468
Briefing Note Number	Not applicable
Attachment(s)	Nil

EXECUTIVE SUMMARY

This report seeks approval for Councillor Max Patton (Cr Patton) to attend the Australian Tidy Towns Sustainability Awards 2026 to be held in Launceston, Tasmania on Friday 15 May to Sunday 17 May 2026.

In accordance with section 5.2.2.2 of the *Councillor Expenses and Support Policy*, attendance at any Conference, Seminar or Event that is Interstate must be approved by Council resolution.

The Australian Tidy Towns Sustainability Awards 2026 is priced at \$350 for a full package registration (includes Saturday morning finalists case study presentations, Cataract Gorge Tour, Awards Dinner and Farewell Breakfast).

In addition to the registration fee, return flights and two nights' accommodation will be required. The estimated cost for flights is \$218.95, and accommodation is approximately \$212 per night.

The Mornington Peninsula region was awarded Keep Australia Beautiful (Vic) Tidy Town of Victoria in 2025. As the Victorian winner, the Mornington Peninsula has been invited to submit an entry to the Keep Australia Beautiful National Awards 2026. Five Shire-led projects and five community-led projects are Victorian finalists.

RECOMMENDATION

That Council approves the attendance of Councillor Max Patton at the Australian Tidy Towns Sustainability Awards 2026, to be held in Launceston Tasmania from Friday 15 May to Sunday 17 May 2026, with the cost of registration, flights and accommodation to be met from Councillor Patton's Training, Conferences, Seminars and Events budget.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Prosperity: Enabling balanced growth through innovation, empowering community groups and volunteers, and fostering a resilient, thriving and vibrant local economy.

Strategic Objective 3.1: A vibrant, innovative and thriving local economy.

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 2.1: A safe, accessible, inclusive and healthy community.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, C and F which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- F. Collaboration with other Councils and Governments and statutory bodies is to be sought.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Councillor Expenses and Support Policy.

DISCUSSION

Purpose

This report seeks approval for Cr Patton to attend the Australian Tidy Towns Sustainability Awards 2026 to be held in Launceston, Tasmania on Friday 15 May to Sunday 17 May 2026.

Background

The Councillor Expenses and Support Policy authorises an allowance for attendance at Training, Conferences, Seminars and Events as follows:

Expenditure Type	\$ Amount per Councillor
Training, Conferences and Seminars	\$16,000 for the 4-year Council term

Keep Australia Beautiful

Keep Australia Beautiful (KAB) is the national federation representing independent State and Territory KAB non-profit organisations. They support communities, councils, schools, volunteers, and businesses to take practical action that protects and enhances local environments.

They deliver education, behaviour change programs, data and insights, community engagement, and partnerships that strengthen environmental outcomes nationwide and inspire and educate communities to keep their environment clean and beautiful.

Tidy Towns is Australia's Longest-Running Community Sustainability Program and has grown into a nationwide program celebrating community-driven leadership in sustainability.

Each State runs its own Tidy Towns Awards, and then State Winners advance to the National Awards, for judging and a National Winner is announced.

The Mornington Peninsula region won Keep Australia Beautiful (Vic)'s Tidy Town of Victoria in 2025.

As Victoria's winner, the Mornington Peninsula has now been invited to submit an entry to the Keep Australia Beautiful National Awards 2026.

The Mornington Peninsula Shire was nominated by Keep Australia Beautiful as the coordinator of the nomination, which is traditionally a collaboration of community and Shire-led initiatives.

The following project nominations have been submitted for the national awards and are now considered 'finalists':

Project	Applicant
Bin it Right, Future's Bright" Contamination reduction campaign	Mornington Peninsula (MP) Shire
Supporting Community Climate Resilience	MP Shire
Container Deposit Scheme Baskets	MP Shire
Wash Against Waste Event Trailer (Highly Commended, State awards 2025)	MP Shire

4.2 (Cont.)

Ngawak Biik – Briars Junior Rangers	MP Shire
Community Applications	
Linking the Mornington Peninsula Landscape – MPLN's Biolink	Mornington Peninsula Landcare Network
Shellsavers Reef Restoration Project	Ozfish
Gidja Walker (State winner 2025)	N/A
Out Loud on the Ninch	Out Loud on the Ninch
Our Survival Day (State winner 2025)	Our Songlines
Water Stewardship Program	Western Port Biosphere

Attendance by a Councillor would provide an opportunity to represent and promote the Mornington Peninsula at a national level, support and recognise the community and Shire-led initiatives acknowledged as finalists and strengthen relationships with key stakeholders in sustainability and environmental leadership.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

The anticipated total costs are approximately \$995. This will be deducted from the Councillor's Conferences, Training, Seminars and Events budget.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

ASSETS & INFRASTRUCTURE

4.3 Draft Long-Term Capital Works Plan

Issued By	Director – Assets & Infrastructure
Authorised By	Director – Assets & Infrastructure
Document ID	A14047387
Briefing Note Number	Not applicable
Attachment(s)	1. Draft Long Term Capital Works Plan 2026–2027 to 2035–2036

EXECUTIVE SUMMARY

This report seeks Council approval to place the Draft Long-Term Capital Works Plan (LTCWP) on public exhibition for a four-week period.

The Draft LTCWP provides a structured, ten-year outlook for capital investment across the municipality and represents the first time the Mornington Peninsula Shire has prepared a long-term capital planning document beyond the traditional one to two-year horizon. The LTCWP has been developed to improve transparency, strengthen strategic asset planning, and support disciplined decision-making within a constrained financial environment.

The Draft LTCWP has been informed by Council's adopted Long-Term Financial Plan, Asset Plan, strategies and masterplans, legislative and compliance requirements, and assessed service and community needs. It prioritises essential renewal, safety, compliance and service continuity, while also identifying strategic and emerging infrastructure priorities.

Endorsing the Draft LTCWP for public exhibition will enable the community and stakeholders to provide feedback on proposed priorities, funding principles and future considerations. Following the exhibition period, feedback will be reviewed and reported back to Council, along with any proposed changes to the plan, prior to Council considering final endorsement of the LTCWP alongside adoption of the 2026–2027 Annual Budget.

RECOMMENDATION

That Council:

- 1. Approves the Draft Long-Term Capital Works Plan being placed on public exhibition for a period of 4 weeks to seek community feedback.**
- 2. Notes that a further report will be presented to Council seeking final endorsement of the Long-Term Capital Works Plan following the public exhibition period and will include a summary of community feedback and any proposed amendments to the Long-Term Capital Works Plan.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 2.1: A safe, accessible, inclusive and healthy community.

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, D and I which are:

- B.** Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D.** The municipal community is to be engaged in strategic planning and strategic decision making.

- I. The transparency of Council decisions, actions and information is to be ensured.

DISCUSSION

Purpose

The purpose of this report is to seek Council approval of the Draft Long-Term Capital Works Plan 2026–2027 to 2036–2037 for public exhibition.

Public exhibition will provide an opportunity for the community to understand and comment on Council’s proposed long-term capital investment priorities, funding principles, and the approach to balancing renewal, compliance, service needs and strategic projects.

Background

Historically, capital works planning has focused primarily on short-term budget cycles. The Draft LTCWP represents a move toward longer-term planning to better align infrastructure investment with asset management needs, financial capacity and community priorities.

The LTCWP draws on multiple inputs, including asset condition data, long-term financial projections, strategic planning documents, and legislative obligations.

Given financial constraints and increasing infrastructure demand, the Draft LTCWP prioritises critical renewal and safety-driven projects while identifying additional future considerations for further investigation and refinement.

The Draft LTCWP is intentionally framed as a “living document” that will evolve through future budget cycles and community input. It is intended to become the starting point for each year’s capital works program development process.

Options for consideration

Council has the following options:

1. Approves the Draft Long-Term Capital Works Plan being placed on public exhibition (Recommended)

This option enables community input prior to final consideration and ensures transparency in long-term capital planning.

2. Defers approval of the Draft LTCWP

This option would delay community consultation and reduce the plan’s ability to inform the upcoming budget process.

ENGAGEMENT

Development of the Draft LTCWP has included internal evaluation panel sessions and prioritisation processes, which incorporated previous community feedback on areas that are most critical to fund, as well as undertaking a series of Councillor workshops as part of the annual budget development cycle.

Subject to Council approval, the Draft LTCWP will be placed on public exhibition for four weeks. Community feedback will be invited on priorities, principles and future considerations outlined in the plan.

Following the exhibition period, feedback will be analysed and reported back to Council, along with any recommended amendments, prior to seeking final endorsement.

COMMUNICATIONS PLAN

If approved for exhibition, the Draft LTCWP will be published on Council's website and promoted through existing Council communication channels.

Communications will clearly explain that:

- The document is a draft for consultation
- Projects beyond Year 1 are indicative only
- Final endorsement will be sought following community feedback and budget deliberations.

LEGAL AND REGULATORY FRAMEWORK

Council has the power to plan for and deliver infrastructure under the *Local Government Act 2020*.

Approving the Draft LTCWP to be placed on public exhibition does not approve expenditure or commit Council to funding or delivering projects beyond those adopted through the Annual Budget process.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The Draft LTCWP includes projects and programs that address climate adaptation, environmental sustainability and resilience, including flood mitigation, coastal management, water-sensitive urban design, and energy-efficient infrastructure upgrades.

Public exhibition will provide an opportunity for the community to comment on how climate and sustainability considerations are addressed within the long-term capital planning framework.

FINANCIAL CONSIDERATIONS

The Draft LTCWP is informed by Council's Long-Term Financial Plan and outlines indicative funding allocations over a ten-year period, including the role of Council funding, grants, contributions and borrowings.

Approving the Draft LTCWP to be placed on exhibition does not impact the current budget position and does not authorise additional expenditure. Year 1 projects remain subject to adoption through the 2026–2027 Annual Budget, while future years are indicative and subject to further Community and Council consideration.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.4 Proposed Lease to Telstra at Citation Reserve Mount Martha

Issued By	Manager – Assets, Buildings & Property
Authorised By	Director – Assets & Infrastructure
Document ID	A14037979
Briefing Note Number	BN2176 – 3 March 2026
Attachment(s)	1. Citation Reserve – Locality Premises Plan 2. Citation Reserve – Premises Plan 3. Citation Reserve – Telecommunication Facility Pictures

EXECUTIVE SUMMARY

The purpose of this report is to seek Council approval to enter into a lease with Telstra Corporation Limited (Telstra) for a 30 square metre equipment shelter at Citation Reserve, 515 Nepean Highway, Mount Martha. The shelter will support Telstra's co-location on the existing Indara telecommunications monopole.

The proposed lease supports Council's objectives for efficient land use, enhanced community telecommunications services, and financial sustainability through provision of shared telecommunications infrastructure on the existing monopole. No community objections were received during the engagement period, and all internal matters particularly those concerning potential impacts on nearby trees have been resolved with completion of an Arboriculture Impact Assessment and agreed mitigation measures.

The proposed lease term is set to expire on 22 March 2029, aligning with the current lease held by Indara.

RECOMMENDATION

That Council:

1. Pursuant to section 115 of the *Local Government Act 2020*, proposes to lease part of the land at 515 Nepean Highway Mount Martha to Telstra Corporation Limited on the following terms:
 - A. A commencing rental of \$19,000 per annum plus GST
 - B. Fixed annual rental increase of 3 per cent
 - C. A term of approximately 3 years expiring on 22 March 2029

- D. Permitted use as an equipment shelter**
- E. Such other terms and conditions as may be required by Council's Legal Counsel.**
- 2. Notes the community engagement has been carried out in accordance with Council's community engagement policy.**
- 3. Authorises the Manager – Assets, Buildings and Property to execute the lease.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A and I which are:

- A.** Council decisions are to be made and actions taken in accordance with the relevant law.
- I.** The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the Council Meeting on 6 May 2025, Council resolved to carry out community engagement on a proposal to enter into a lease with Telstra at Citation Reserve. A Notice of Intention to Lease was published on Council's website and community engagement was undertaken, finishing on 16 June 2025.

DISCUSSION

Purpose

The purpose of this report is to seek Council approval to enter into a lease with Telstra for an equipment shelter, supporting Telstra's co-location on the existing telecommunications monopole at Citation Reserve.

Background

Council currently leases land at Citation Reserve to Indara for a telecommunications facility which expires on 22 March 2029. Telstra seeks a separate lease with Council to install an equipment shelter, abutting the Indara leased premises, to support its co-location on the monopole.

It is proposed that Council enter into a lease with Telstra for 30 square metres of land at Citation Reserve, as shown on the attached Locality Premises Plan and images of the existing telecommunication facility, on the following terms:

Use of Premises	Equipment Shelter
Lease Term	Approximately 3 years (to expire 22 March 2029 in line with the lease with Indara for the telecommunication facility)
Rent	\$19,000 per annum plus GST (based on Council's independent valuation)
Rent Review	Annual 3% increase
Outgoings	Telstra will pay all outgoings, rates and charges including Council's legal costs up to \$2,000 plus GST

Options for Consideration

Option 1 - Approve the proposed new lease (recommended)

Approval of the proposed lease will enable efficient land use, maximise co-location opportunities, limit visual and environmental impacts whilst generating additional revenue to Council. It also reduces the risk of Telstra exercising statutory powers under the *Telecommunications Act 1997* to install infrastructure without Council consent.

Option 2 – Do not approve the proposed new lease

If the lease is not approved, Telstra may use its powers under the *Telecommunications Act 1997* to install infrastructure without Council consent and

may propose extra infrastructure at an alternative location, creating greater clutter in Councils open space.

ENGAGEMENT

Community engagement through a Notice of Intention to Lease resulted in no community submissions being received.

Internal teams including Sports Development, Planning, Open Space and Arboriculture were consulted, with no outstanding issues. Internal consultation identified no issues from Sports Development or Planning, with Planning noting co-location as a preferred outcome.

Concerns were initially raised by Recreation and Open Space Planning regarding potential tree impacts. These were subsequently addressed through completion of an arboriculture impact assessment, with Council's arborist endorsing all recommended mitigation measures.

COMMUNICATIONS PLAN

If approved, Telstra will be notified and the lease finalised. Internal stakeholders will be advised of timelines and site requirements. Community updates will be provided as needed.

LEGAL AND REGULATORY FRAMEWORK

Section 115 of the *Local Government Act 2020* empowers the Council to lease land for a term of up to 50 years.

Where a proposed lease is for more than one year and either the rent for any period of the lease is \$100,000 or more a year or the current market rental value of the land is \$100,000 or a year, either:

- A. The proposal must be included in the budget
- B. The Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Environmental impacts of the lease and proposed equipment shelter have been considered as part of this recommendation. The Arboriculture Impact Assessment has provided opportunities for design changes which will minimise impacts on trees at the site.

FINANCIAL CONSIDERATIONS

A market rental assessment was carried out by a valuer appointed by Council who assessed the annual rent at \$19,000 + GST, with the inclusion of a 3% annual increase.

All outgoings and Council's legal costs (up to \$2000) will be covered by Telstra. No unbudgeted Council costs are anticipated.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.5 Proposed Sale of Land – 71-75 High Street Hastings

Issued By	Manger Assets, Building and Property
Authorised By	Director – Assets & Infrastructure
Document ID	A14038221
Briefing Note Number	BN2177 – 3 March 2026
Attachment(s)	1. Location Plan 71-75 High Street Hastings 2. Image depicting Current Land Use Rear 71-75 High Street Hastings 3. Draft Subdivision Plan

Executive Summary

Council owns a small parcel of land (46.7 square metres (sqm)) abutting 71 and 73-75 High Street, Hastings. The owner of 71 High Street (the Applicant) approached Council expressing an interest to purchase the land. Internal consultation has been carried out, and the land is not required to support any Council service or considered to have any long term strategic need.

It is proposed that Shire officers carry out community engagement in relation to a proposal to sell the land at market value to the abutting owners and a further report be provided to Council, following the community engagement to determine if the land is suitable to be sold.

RECOMMENDATION

That Council:

1. **Resolves to commence statutory procedures pursuant to section 114 of the *Local Government Act 2020* (the Act) for the sale of the land from the Reserve adjoining 71-75 High Street Hastings, shown as Lot 1 and 2 on PS931615 (Land).**
2. **Gives notice on Council's website of its intention to sell the Land to the owners of 71 High Street and 73-75 High Street Hastings, by private treaty in accordance with Council's Disposal of Property Deemed 'Excess and/or Inappropriate' Policy**
3. **As part of its community engagement process, invites written submissions on the proposed sale of the Land.**

- 4. Resolves that a further report be presented to Council to determine whether to sell the Land in full, part of the Land or not to sell the Land. All submissions received will be considered in making this decision.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 3.1: A vibrant, innovative and thriving local economy.

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, G and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- G. The ongoing financial viability of the Council is to be ensured.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

This matter has not been considered previously by Council. The Proposal will generally be considered in accordance with Council's Disposal of Property Deemed 'Excess and/or Inappropriate' Policy (Policy). However, the Policy is outdated and references the *Local Government Act 1989*, meaning some of the requirements are no longer relevant.

A new Sale and Acquisition of Land Policy and Road and Minor Reserve Discontinuance and Sale Policy are currently being developed and will be considered for endorsement by Council in late 2026. Given the lengthy duration of engagement with adjacent landowners on this matter, it is considered important to progress this proposal ahead of the adoption of the new policy.

DISCUSSION

Purpose

The purpose of this report is to seek Council approval to carry out community engagement in relation to a proposal to sell a small parcel of Council land at 71-75 High Street, Hastings to the adjoining owners (Proposal).

Background

Council owns a small section of land that adjoins the properties at 71 and 73-75 High Street, Hastings (Land), as shown in Attachment 1. Attachment 2 shows a picture of the Land.

The Land is currently maintained by the respective adjoining property owners and is zoned Commercial 1 under the Mornington Peninsula Planning Scheme. A summary of the Land details is provided in the following table.

Land description	Land use	Land area
Abutting 73-75 High St	Fenced within adjoining property and occupied as a courtyard linked with abutting cafe	25.5 sqm
Abutting 71 High Street	Vacant grass land	21.2 sqm

In mid-2024, the Applicant approached Council expressing interest in purchasing the section of Land which directly abuts their property.

Shire officers' preliminary assessment of the Proposal indicates that the Land does not support current or future service delivery outcomes, nor does the Land have any strategic significance to Council on a long-term basis and may be suitable for sale. Internal and external referrals have confirmed no services exist within the Land and have provided general support for selling the Land, subject to statutory requirements. Financially, all consolidation and legal costs associated with the sale will be borne by the purchasers

The Land is a reserve on title. Before Council can consider the sale of the Land, the reserve status must be removed from the Land in accordance with section 24A of the *Subdivision Act 1988*. A subdivision application has been lodged, which would allow the Land to be subdivided into two lots in alignment with adjoining property boundaries. A draft plan of subdivision is shown in Attachment 3. The Applicant has agreed to purchase Lot 2 at market value, subject to the successful subdivision and satisfactory completion of the statutory procedures.

Discussions with the owner of 73–75 High Street, Hastings are ongoing to determine whether an agreement can be reached for the sale of Lot 1. If an agreement cannot be reached, Council will be required to take enforcement action to remove existing encroachments on the land and assume responsibility for its ongoing maintenance.

In accordance with section 114 of the *Local Government Act 2020* (the Act), Council must undertake community engagement and give public notice before considering a proposal to sell land. In addition, a valuation must be obtained no more than six months prior to the proposed sale.

Options for consideration

Option 1- Commence Community Engagement on the Proposal to sell the Land (preferred)

Seek a Council resolution to commence community engagement on the Proposal in accordance with section 114 of the Act and Council's Community Engagement Policy. Following the completion of community engagement, a report will be presented to Council for a decision on whether to sell the Land.

Option 2 - Abandon the Proposal and Retain the Land

Not proceed with the Proposal and require the adjoining owners to remove all encroachments from the Council land and Council take on maintenance responsibilities for the Land.

ENGAGEMENT

Community engagement will be carried out in accordance with the Community Engagement Policy and public notice given in accordance with section 114 of the *Local Government Act 2020*

COMMUNICATIONS PLAN

Letters will be sent to the nearby landowners, including 67–95 High Street and 27–45 Windsor Lane, a notice included on the Council website and a notice included in MPNEWS, the local paper for the Hastings area, inviting feedback in relation to the Proposal.

LEGAL AND REGULATORY FRAMEWORK

Where the Council proposes to sell land, it must comply with the *Local Government Act 2020*.

Pursuant to section 114(2) of the Act and before selling the Land, the Council must:

4.5 (Cont.)

- At least 4 weeks prior to the sale, publish notice of intention to do so on the Council's Internet site
- Undertake a community engagement process in accordance with its community engagement policy
- Obtain from a person who holds the qualifications or experience specified under section 13 DA (2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

There are no climate or sustainability considerations arising from this Proposal.

FINANCIAL CONSIDERATIONS

If a decision is made to sell the Land it will be sold at market value in accordance with the *Disposal of Property Deemed 'Excess and/or Inappropriate'* Policy and all costs associated with the Proposal will be borne by the purchasers.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

PLANNING & LIVEABILITY

4.6 Planning Scheme Amendment C247morn and Planning Permits P23/2400 and P23/2402 (Woodbyne Residential Estate) - Consideration of Planning Panel report

Issued By	Manager – Strategic Planning, Transport & Environment
Authorised By	Director – Planning & Liveability
Document ID	A13948352
Briefing Note Number	BN2159 – 27 January 2026
Attachment(s)	1. Background to Amendment C247morn 2. Planning Panel Report 3. Officer responses to Panel recommendations 4. Mornington Peninsula C247morn NRZ42 – Adoption (track changes) 5. Mornington Peninsula C247morn DPO25 – Adoption (track changes) 6. Planning Permit P23-2400 – Adoption (track changes) 7. Planning Permit P23-2402 – Adoption (track changes) 8. Mornington Peninsula C247morn – Explanatory Report – Adoption (track changes) 9. Mornington Peninsula C247morn – Instruction Sheet – Adoption (track changes) 10. Planning Scheme Amendment C247morn documents (combined clean versions) 11. Woodbyne Precinct Development Plan – March 2026 12. Woodbyne Precinct – Precinct Infrastructure Funding Plan 20 March 2026 (v9)

EXECUTIVE SUMMARY

The purpose of this report is to present the outcomes of the independent Planning Panel process for the following privately led combined Planning Schemes and recommend next steps:

- Planning Schemes Amendment C247morn (the Amendment)

4.6 (Cont.)

- Subdivision Planning Permit Application P23/2400
- Subdivision Planning Permit Application P23/2402
- Development Plan for the Woodbyne Residential Precinct.

This privately led planning Proposal by Tango Development No. 6 Pty Ltd seeks to create a new residential estate on land in Woodbyne Crescent and Albany Way in Mornington. The Proposal involves:

- Rezoning the land from low density to neighbourhood residential purposes, and master-planning the precinct for about 196 new homes through a new Development Plan Overlay and associated Development Plan.
- Subdividing part of the land into 116 lots (P23/2400 for 57 lots and P23/2402 for 59 lots, including 3 medium density lots per subdivision).
- Rezoning part of the existing Council-owned Watt Road Reserve from public park to residential use and providing a new centrally located public park, embellished with play equipment, as part of a separate land sale process.

The Proposal provides for a mix of conventional residential lots, medium density sites, new public open spaces, a drainage retarding basin and removal of some existing native vegetation. Housing would be limited to two-storeys and built according to specific siting and design requirements to respect existing neighbourhood character and achieve environmentally sustainable outcomes, including canopy tree coverage. Various treatments, including buffers, are proposed to manage potential land use conflicts with existing uses surrounding the site including industrial development to the north, the Mornington Racecourse to the east, and Council-owned depot, animal shelter and resource recovery centre to the south.

The Proposal is strategically justified because it aligns with State Planning Policies to deliver more housing on underutilised land within the Urban Growth Boundary and with Council's adopted Housing and Settlement Strategy Refresh 2020-2036 (2020) which identifies the site as potentially suitable for additional housing supply, subject to detailed investigation and proper planning. The Proposal is supported by various technical assessments demonstrating the land can accommodate housing growth based on thorough analysis of the site's opportunities and constraints.

The Proposal was publicly exhibited for nine weeks from November 2024 to January 2025, during which 152 submissions were received. Council considered all submissions at its meeting on 22 July 2025 and resolved to refer the submissions to an independent Planning Panel (the Panel). The Panel held a public hearing in October 2025 and delivered its report with recommendations to Council on 17

4.6 (Cont.)

November 2025. The Panel concluded that Amendment C247morn is strategically justified and should be adopted as exhibited subject to relatively minor changes, and that the two subdivision permits should be issued, subject to minor drafting changes.

Shire officers support all the Panel's recommendations, noting that many had already been addressed by Council in its endorsed post-exhibition version of the Amendment and draft Permits, and in submissions it made during the Panel hearing. Shire officers therefore recommend that Council accepts all the Panel's recommendations in full and endorses the proposed Development Plan.

Before Council adopts the combined Amendment proposal and submits it to the Minister for Planning for approval, Shire officers recommend that Council enters into:

- Voluntary agreements with all landowners affected by the Amendment to secure the funding and delivery of transport, drainage and open space infrastructure upgrades required under the Amendment, as well as a separate voluntary contribution towards the upgrade of the Racecourse Road / Watt Road intersection (sought by Council), as outlined in a Precinct Infrastructure Funding Plan negotiated with the proponents.
- The contract of sale for the Watt Road Reserve and vesting of alternate public open space in Council.

RECOMMENDATION**That Council:**

- 1. Receives and considers the Planning Panel Report dated 17 November 2025 for combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 as at Attachment 2 to this report, in accordance with sections 27 and 96F of the *Planning and Environment Act 1987*.**
- 2. Adopts Amendment C247morn to the Mornington Peninsula Planning Scheme with changes, including accepting all recommendations in the Planning Panel Report and additional minor drafting edits recommended by Shire officers pursuant to section 29 (1) of the of the *Planning and Environment Act 1987*, generally in accordance with Attachment 10 of this report, upon the later of:**
 - A. All landowners of the Amendment land entering into an agreement under section 173 of the *Planning and Environment Act 1987* (section 173 Agreement) to Council's satisfaction and the agreement/s being**

4.6 (Cont.)

recorded on the titles to the Amendment land. The section 173 Agreement must:

- i. Implement the Woodbyne Precinct – Precinct Infrastructure Funding Plan prepared by Urban Enterprise (dated 19 March 2026, version 9) (Woodbyne PIFP) (as at Attachment 12).**
 - ii. Secure the payment of a fixed financial contribution of \$500,000 (Monetary Payment) towards the cost of road, transport and pedestrian infrastructure upgrades to benefit the precinct in lieu of delivery of infrastructure items RD-02 and TR-03 by the first mover developer/subdivider before a statement of compliance is issued or development starts, noting the Monetary Payment is identified as item codes RD-02 and TR-03 in the Woodbyne PIFP.**
 - iii. Provide that Council may apply the Monetary Payment to other road, transport and pedestrian infrastructure upgrades to benefit the precinct at Council’s discretion.**
 - B. Council entering a contract of sale for approximately 1,627 square metre (sqm) of Reserve No. 1 on PS346179 and vesting of alternate public open space in Council. The contract of sale and vesting of alternate public open space in Council must be to the satisfaction of Council as landowner.**
- 3. Authorises the Director – Planning & Liveability to, upon the later of 2A and 2B above occurring, submit Amendment C247morn to the Minister for Planning for approval and gazettal pursuant to section 31(1) of the *Planning and Environment Act 1987*.**
 - 4. If 2A and 2B are not met by 14 April 2027, abandon the Amendment with effect from that date.**
 - 5. Delegates authority to the Director – Planning & Liveability to negotiate and enter into the section 173 Agreement referred to in 2A above on Council’s behalf under section 173 of the *Planning and Environment Act 1987* and determine whether the agreement is to the satisfaction of Council as the responsible authority.**
 - 6. Recommends to the Minister for Planning that Planning Permits P23/2400 and P23/2402 at Attachment 10 are granted in accordance with section 96G of the *Planning and Environment Act 1987* and submits the proposed Permits P23/2400 and P23/2402 to the Minister for Planning in accordance with section 96H of the *Planning and Environment Act 1987*.**

4.6 (Cont.)

7. **Determines that the Development Plan prepared in accordance with the proposed amended Schedule 25 to the Development Plan Overlay at Attachment 11 has been prepared to the satisfaction of the Responsible Authority.**
8. **Authorises the Director of Planning & Liveability to make any minor administrative or editorial changes to Attachment 10 of this report if required.**
9. **Notes that combined Planning Scheme Amendment C247morn and proposed Planning Permit P23/2400, proposes to (amongst other things):**
 - A. **Remove reserve status from the part of RES1 PS346179 located between 8 and 10 Woodbyne Crescent, Mornington**
 - B. **Develop that land for residential lots and roads**
 - C. **Vest replacement public open space in Council.**
10. **Notifies the proponent and all submitters to combined Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 in writing of Council's decision.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B, D, H and I which are:

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.

4.6 (Cont.)

- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

- Disposal of Council Property Deemed Excess and or Inappropriate Policy (2009)
- Property Strategy (2018)
- Neighbourhood Character Study and Guidelines (Ethos Urban, 2019) (NCSG)
- Housing and Settlement Strategy Refresh 2020–36 (Mornington Peninsula, 2020) (HSS)
- 11 June 2023 – Council’s Planning Services Committee resolved to seek Ministerial authorisation to prepare and publicly exhibit the combined Amendment and undertake exhibition following authorisation.
- 22 July 2025 – Council resolved to refer the combined Amendment Proposal and submissions to a Planning Panel, and request that the proponent provide a voluntary contribution towards delivery of a roundabout at the Racecourse Road / Watt Road intersection.
- 17 March 2026 – Council resolved to proceed with the statutory process to facilitate the subdivision and sale of part of the Council-owned Watt Road reserve, and secure vesting of replacement open space in Council in the form of a new, centralised park with associated infrastructure.

DISCUSSION**Purpose**

The purpose of this report is to present the Planning Panel report for privately led combined Planning Scheme Amendment C247morn and Planning Permit Applications P23/2400 and P23/2402 (the Amendment) to the Mornington Peninsula Planning Scheme (the Planning Scheme) and recommend that Council adopts the Amendment with all changes recommended by the Panel.

This report also addresses and makes recommendations about:

- A Precinct Infrastructure Funding Plan (PIFP) and associated agreements negotiated with the Amendment proponent to secure funding and delivery of traffic, drainage and open space infrastructure upgrades required under the

4.6 (Cont.)

Amendment, as well as a voluntary contribution (as sought by Council) towards upgrading the Racecourse Road / Watt Road intersection.

- The timing of facilitating a contract of sale, and securing replacement open space, for the Council-owned reserve within the Woodbyne Residential Precinct (Precinct) which is required to facilitate the Amendment outcomes.
- The implications of a planning permit application for a Retirement Village and Aged Care Facility within the Precinct lodged with the Minister and administered through the Department of Transport and Planning's (DTP) Development Facilitation Program.
- Other planning scheme amendments affecting the Precinct.

Background

Attachment 1 to this report outlines the background to the combined Amendment Proposal, including:

- A description of the subject land
- Details of the proposed amendment
- How the Proposal aligns with local planning policies and adopted Council strategies
- Ministerial authorisation of the Amendment and public exhibition
- Council's decision to proceed to an independent Planning Panel.

Planning Panel Process

The Minister appointed a two-person panel to hear and consider the 152 submissions Council received for the combined Amendment. The Panel held a Directions Hearing on 25 August 2025 and conducted the public hearing at Rosebud Council Chambers on 8 and 9 October 2025 in a 'hybrid' format.

Council was represented by Harwood Andrews Lawyers who called expert evidence in traffic and acoustic engineering, while the proponent was represented by Colins Biggers and Paisley who called expert evidence on traffic engineering, acoustic engineering and planning.

Only one submitter elected to appear at the hearing and did not call any expert witnesses.

4.6 (Cont.)**Traffic Evidence**

At the direction of the Panel, a Joint Statement of Agreed Facts and Opinion was tabled by the two traffic engineering experts. Significantly, the final joint statement did not identify any matters of disagreement between the two experts.

It is noted that, prior to the joint statement, both experts agreed that further modelling was required to assess whether the Amendment generated the need for a roundabout or other traffic management at the Racecourse Road / Watt Road intersection. The modelling was completed and confirmed that, factoring in existing growth and additional development from the Amendment, no roundabout or contribution to a roundabout is warranted as part of the Amendment.

The Panel acknowledged, however, that a separate voluntary contribution towards the upgrade of this intersection may provide net community benefit, but such a contribution sits outside of this planning scheme amendment process.

Acoustic Evidence

A joint statement was also tabled by the two acoustic engineering experts. The experts agreed on the drafting of a requirement in the proposed Development Plan Overlay (DPO25) to assess existing noise sources that may impact the amenity of future dwellings and identified acoustic mitigation measures required to ensure noise levels inside any future dwellings or other habitable buildings located in the Precinct will be acceptable. The experts also identified particular noise sources and set internal noise levels which must be achieved by lots that directly abut industry to the north, Racecourse Road to the east and Watt Road to the south.

The Panel Report and Recommendations

On 17 November 2025, Council received the Panel's report (Attachment 2). Overall, the Panel recommends that Amendment C247morn is strategically justified and should be adopted as exhibited, subject to relatively minor changes, and that both subdivision planning permits should be issued subject to drafting changes. The Panel concluded that:

The DPO25, draft development plan and the two planning permit applications provide a net community benefit with an urban design outcome for the Woodbyne Precinct that is safe, healthy functional, connected, attractive, liveable and sustainable.

Importantly, in terms of traffic and transport matters which were the focus of most submissions, the Panel concluded that:

4.6 (Cont.)

- A roundabout is not required in the foreseeable future at Racecourse Road / Watt Road intersection
- A 3.0 metre path along Watt Road (with localised narrowing to 2.5 metres) is acceptable
- A 2.0 metre shared path along Racecourse Road is acceptable
- The location of the bus bay on Racecourse Road should be to the Department of Transport's satisfaction and that the bus bay location (currently shown on plans) is indicative
- A second vehicle access to Racecourse Road (from the subject land) is not required and would contradict the Mornington North Outline Development Plan
- An assessment of impacts on the broader road network should only be triggered if the development reaches 216 or more dwellings (i.e. 10% more than the estimated 196 dwellings for the Precinct).

Officer Response to Panel T Recommendations

Attachment 3 contains Shire officer responses and recommendations for each of the Panel's five recommendations. Overall, Shire officers support all the Panel's recommendations, noting that many had already been addressed by Council in its endorsed post-exhibition version of the Amendment and draft permits, and in 'without prejudice' submissions made during the Panel hearing. Shire officers therefore recommend that Council accepts all the Panel's recommendations in full. The recommendations generally relate to:

- Ensuring the proposed Neighbourhood Residential Zone – Schedule 42 (NRZ42) aligns with the new codified standards of Clauses 54 and 55.
- Improving the drafting and clarity of the DPO25 and both subdivision planning permits P23/2400 and P23/2402.

The Panel also recommended that the requirements for the Transport and Movement Plan, as specified in the DPO25, should include that the future location of the bus bay on Racecourse Road should be determined to the satisfaction of the Department of Transport, and that the trigger for assessing traffic impacts to the broader road network should be as noted above (i.e. if the development exceeds 216 or more dwellings). Shire officers support both these changes.

Final Version of Amendment Documents Recommended for Adoption

Attachments 4, 5, 6 and 7 to this report contain marked-up versions of the Amendment documents and subdivision planning permits, with tracked changes

4.6 (Cont.)

and corresponding comments about the Panel's recommendations. These versions also reflect changes that Council already endorsed as the post-exhibition version of the Amendment (resolved on 22 July 2025) and those presented to the Panel on Council's behalf during the hearing.

It is noted that the Amendment's Explanatory Report has also been revised from the exhibition version to comply with the current template. The report contains a new section about Housing Targets and additional commentary about climate change, in accordance with new Ministerial Direction 22 (Climate Change Considerations) (MD22) (see Attachment 8). Similarly, the Amendment Instruction Sheet has been revised to comply with the current template and correct the number of planning scheme maps affected (see Attachment 9).

The exhibited version of the local policy Clause 11.03-6L (Regional and local places – Mornington North) was not altered through the Panel process.

A final, untracked version of all Amendment and permit documents is contained in Attachment 10.

Additional Panel Comments

In addition to its recommended changes, the Panel made observations about the Mornington North Outline Development Plan (ODP) and proposed Woodbyne Precinct Development Plan which, while not formal recommendations, are worthy of Shire officer response.

Mornington North Outline Development Plan

The Panel considers that Council should review the Mornington North ODP to ensure it is consistent with the updates that Amendment C247morn proposes to Clause 11.03-6L (Regional and local places – Mornington North).

Clause 11.03-6L, which is based on the Mornington North ODP, currently supports low density residential development. Amendment C247morn proposes to change this local policy to state that residential development, including medium density housing, is supported within the Woodbyne Precinct, but that development should retain landscape setbacks to Racecourse Road and Watt Road and respond to sensitive environmental interfaces with non-residential uses to the north, east and south.

The Panel supported the proposed changes to Clause 11.03-6L, accepting the position by Council and the proponent that the planning and housing landscape has changed significantly since the Mornington North ODP was originally prepared 12 years ago, and that Council's adopted HSS (proposed to be referenced in Clause 11.03-6L by Amendment C247morn) is the more contemporary and appropriate policy reference point. To this end, the Panel concluded that the

4.6 (Cont.)

investigations conducted by the proponent demonstrate the Precinct's capacity for increased residential development.

The Panel also determined that:

The disparity between the two documents is not of an order to affect the progress of the Amendment, however, it is not good planning practice to create a conflict between the clauses in a planning scheme and a referenced background document. While the remainder of the ODP may very well remain relevant, Council should consider, at a minimum, revising the ODP Land Use Framework policies for Precinct 6 [Woodbyne Precinct].

Shire officers accept the findings of the Panel and intended to include an action to review the ODP in the upcoming 2026 Planning Scheme Review.

Woodbyne Precinct Development Plan

While the proponent's draft Development Plan (which responds to the requirements of DPO25) was not subject to a detailed review by the Panel, the Panel found that:

The DPO25, draft development plan and the two planning permit applications provide a net community benefit with an urban design outcome for the Woodbyne precinct that is safe, healthy, functional, connected, attractive, liveable and sustainable.

Whilst the Panel considers that the changes made to the document are appropriate and it is consistent with the requirements of the final version of the DPO25, the Panel makes no recommendation about the Woodbyne Precinct Mornington Development Plan.

The Panel nevertheless concluded that Council's proposed changes to the draft Development Plan through the amendment process are appropriate. A final version of the Development Plan is included in Attachment 11 and it is recommended that Council endorse the plan as having been prepared to the satisfaction of the responsible authority.

Additional Matters***Proposed Sale and Replacement of a Council-Owned Reserve***

Amendment C247morn relies on the sale of part of the Council-owned 10-metre-wide public open space reserve linking Woodbyne Crescent and Racecourse Road (Reserve No. 1 PS 346179 – part thereof – between numbers 8 and 10 Woodbyne Crescent) in return for relocated public open space to be provided by the

4.6 (Cont.)

proponent within the Precinct. The existing linear open space reserve contains drainage infrastructure and connects Woodbyne Crescent to Racecourse Road.

The proposed 'land swap' is shown in Figure 1.



Figure 1: 'Land swap' plan

The concept is that the reserve would be sold to the developer to be developed for housing within the Precinct and replaced with a new, more functional, centralised and embellished local park to serve future residents, including playground equipment, landscaping and other park infrastructure. The proposed land sale will be conditional on the purchaser providing replacement public open space in one or more new reserves located within the Precinct and dimensioned to the satisfaction of Council. The sale price will reflect the highest and best value (that is, residential value under the NRZ42; not public use value under the existing Public Park and Recreation Zone (PPRZ)).

While fundamentally linked to the Amendment, the process for the sale of the reserve is a separate approvals process under the *Local Government Act 2020* (LG

4.6 (Cont.)

Act). Council resolved to proceed with the above sale of land process at its meeting on 17 March 2026. It is therefore recommended that a contract of sale be entered into to secure replacement open space before Council adopts the Amendment and submits it to the Minister for approval and gazettal. A contract of sale would include (without limitation) a requirement to pay Council's legal costs (in addition to market price for the relevant part Reserve 1 based on a residential zoning), to ensure the transaction is 'cost-neutral' to Council as far as is practically possible.

Voluntary Developer Contribution to the Upgrade of the Racecourse Road / Watt Road Intersection

On 22 July 2025, as part of resolving to proceed to a Planning Panel process, Council also resolved to separately request the proponent to provide a voluntary contribution towards delivery of a roundabout at the Racecourse Road / Watt Road intersection. The contribution would be secured via an agreement under section 173 of the *Planning and Environment Act 2015* (P&E Act) (section 173 Agreement).

In response, the proponent submitted an offer for a voluntary contribution of \$500,000 plus GST. This figure largely comprises the costs of works that would have been provided by the proponent if there were no intersection works, namely a bus bay, pedestrian refuge and ancillary widening works. The cost of those works has nominally been costed at \$445,000 (in today's dollars), however the proponent proposed to increase this figure to \$500,000 to account for two years of inflation, a 30% contingency amount and an additional premium.

Consideration of this contribution should acknowledge that the Panel, and the expert traffic witnesses for both Council and the proponent, concluded that neither the contribution, nor a roundabout at the intersection, are required.

Separately, the Shire's Traffic and Transport team investigated the indicative costing of a roundabout but have since determined that the optimum solution is for a signalised Racecourse Road / Watt Road intersection. The rationale for identifying signalisation is based on safety and efficient traffic flow:

- In 2016, Mornington Peninsula Shire became a Towards Zero municipality and adopted the Safe System approach to road safety, to reduce road trauma by reducing the likelihood of crashes and limiting collision speeds to be within human survivability limits.
- A raised signalised intersection can both separate conflicting movements of vehicles and vulnerable road users with the signal phasing, and slow vehicles.

4.6 (Cont.)

- Roundabouts can be problematic for pedestrian and cyclists' safety, even with pedestrian refuges due to constant traffic flow and high speeds of vehicles.
- Victorian Road Rules require that turning vehicles need to give way to pedestrians at non-roundabout intersections.

The direct benefits of access, safety and convenience will also directly flow to the future residents of the Woodbyne Precinct.

Shire officers consider that, even without additional traffic generated by the proposed development, signalisation of the Racecourse Road / Watt Road intersection is justified due to the current high number of turning movements in and out of Watt Road, the number of vulnerable road users (i.e. pedestrians and cyclists) crossing Watt Road at Racecourse Road, including school children travelling to and from school, and provision of safe and efficient access to the Mornington industrial area.

It is acknowledged that the total cost of signalisation is likely to be greater than a roundabout. The overall cost of the signalisation solution, including planning, design and development, is estimated to total in the order of \$1.75 – \$2.20 million while the cost of a roundabout is estimated to total about \$1.5 million.

It is further noted that any voluntary contribution by the proponent would go towards the total cost of the preferred solution. If the signalisation option is pursued by Council, the balance of the cost would be subject to future annual Council budget processes or could be partly or wholly offset by applicable external road infrastructure grants.

Proposed Precinct Infrastructure Funding Plan (PIFP)

The proposed DPO25 and draft planning permits require the proponent to enter into section 173 Agreements/s to deliver public infrastructure items applicable to the Development Plan. In addition, as noted previously, the proponent has offered a financial contribution towards the upgrade of the Racecourse Road / Watt Road intersection, as requested by Council.

To secure these funds and delivery of all public infrastructure items forming part of the Development Plan, Shire officers have negotiated the preparation of a Public Infrastructure Funding Plan (PIFP) with the proponent, which would be implemented via section 173 Agreements with all Precinct landowners. A copy of the PIFP is included in Attachment 12.

The PIFP has been prepared recognising the fragmented and disparate nature of the landownership within the Precinct (currently 11 landowners). It ensures the delivery of all infrastructure items sought by Council within the entire Precinct on

4.6 (Cont.)

an equitable basis, regardless of conditions forming part of any planning permit granted by Council, or the State Government in relation to a proposed Retirement Village and Aged Care Facility within the Precinct (which is discussed later in this report).

The PIFP specifically secures delivery of the following public infrastructure items which are shown in Figure 2:

- Upgrade to the intersection of Watt Road / Woodbyne Crescent (RD-01)
- Construction of a Drainage Reserve including stormwater retardation and piped drainage (DR-01)
- Construction of a Central Park (OS-01), which includes playground equipment, landscaping and other park infrastructure
- Construction of three Pocket Parks (OS-02, OS-03 and OS-04).



Figure 2: Infrastructure projects funded via the PIFP

4.6 (Cont.)

The PIFP will ensure that all Precinct landowners that benefit from the rezoning will equally share the cost of the above public infrastructure items regardless of whether the individual landholding is subject to the required works, or where the works required are external to the Precinct.

The PIFP sets out the estimated cost of each infrastructure item, based on an agreed scope of works and benchmark costings reviewed by Shire officers, which is to be indexed annually to reflect the timing of delivery. The proponents have also agreed to include a 30% contingency amount for each infrastructure item, as requested by Shire officers.

Each landholding is subsequently assigned a levy arising from the total infrastructure costs, based on the applicable net developable area (NDA) of the landholding identified by the Development Plan. As each landholding is developed, the landowner/developer will be required to deliver the identified infrastructure (as outlined by an approved planning permit as 'works in kind') or pay the levy applicable where the infrastructure has already been delivered by the first developer (or otherwise) to Council's satisfaction.

Council will collect the levy to be paid by each landowner / developer, however, funds will only be re-distributed to a landowner / developer who has undertaken the 'works in kind' if and when the funds are available to be paid.

The PIFP also secures the voluntary \$500,000 cash contribution towards the Watt Road / Racecourse Road intersection upgrade. It ensures that this contribution will be paid by the first developer/subdivider before a statement of compliance is issued or development starts, and that this contribution will be put towards the cost of road, transport and pedestrian infrastructure upgrades to benefit the Precinct, in lieu of the delivery of infrastructure items RD-02 (Watt Road / Racecourse Road intersection upgrade) and TR-03 (bus stop).

The PIFP has been prepared to ensure that no costs associated with the delivery of the required public infrastructure items or administration of the PIFP are passed onto Council. As explicitly outlined in the PIFP, Council will not be liable for any funding shortfalls which are to be borne solely by landowners / developers.

Importantly, Council is not the development agency (i.e. responsible for delivering the infrastructure) – it is only the agency responsible for collection of levies and reimbursement to the first developers of any collected levies from subsequent developers. The financial risks to Council have been further mitigated by the following terms of the PIFP:

- The levies will be indexed annually according to the Producer Price Indexes Australia, Victoria (Table 17 Output of the Construction industries, subdivision and class index numbers – Road and Bridge Construction Victoria (for roads,

4.6 (Cont.)

bridges, trails, drainage and open space items) and Building Construction Victoria (for buildings and Planning Costs) published by the Australian Bureau of Statistics (ABS) (Series 6427.0)). Council will collect the levy payable indexed at the date of each stage of development. These monies will be distributed to the first developer who has incurred the initial cost or provided the works-in-kind. Only the levies collected are reimbursed to the first developer. Therefore, Council is not responsible for any increase in costs of infrastructure over time, nor is it required to pay any shortfalls.

- The PIFP clearly states when levies must be collected or reimbursed, before a Statement of Compliance for subdivision and before a Certificate of Occupancy for a development.
- Recognising that administering the PIFP places an administrative burden on the Council, the PIFP includes a contribution to the value of \$110,000 (including GST) to cover administration costs. This will be used for Shire officer time, and annual specialist consultant advice for the re-calculation of levies over time.

The PIFP contains a further provision regarding the \$500,000 voluntary cash payment by the first developer. If Council is unable to secure sufficient additional funding for the greater scope of intersection upgrade works including signalisation, it is agreed that Council may apply the monetary contribution for RD-02 and TR-03 to other road, transport and pedestrian infrastructure upgrades that benefit the Precinct (such as a pedestrian refuge and road widening at the Racecourse Road / Watt Road intersection upgrades, or provision of additional footpaths within the Precinct).

Finally, if Council funds and delivers (through other processes such as a grant) an upgrade to the intersection of Racecourse Road / Watt Road before the \$500,000 voluntary cash payment is made to Council, it is agreed that the cash payment for RD-02 and TR-03 may be redirected to Council's broader Capital Works Program.

The outcomes and measures contained within the PIFP will be translated into two draft section 173 Agreements to be registered on the titles of each landholding. The first agreement will outline the infrastructure delivery requirements and procedures of the PIFP, while the second agreement will set out the obligations to provide the 'works in kind' for specified works. It is recommended that Council enter into these PIFP section 173 Agreements as a condition of adopting Amendment C247morn, such that the agreements are executed before the Amendment is adopted and submitted to the Minister for approval.

4.6 (Cont.)Affordable Housing Contributions

It is noted that affordable housing contributions sought by Council do not form part of the infrastructure contributions through the PIFP. Rather, these contributions are to be made by landowners to Council before subdivision or development of land can occur. Specific requirements are to be formalised through a section 173 Agreement.

Contributions will be paid on a site-by-site basis as per any permit issued by Council. Conditions will be the same as those applied to the two subdivision permits combined with Amendment C247morn, being a monetary contribution calculated as equivalent to the lesser of:

- 5% of the Precinct gross realisable value prior to rezoning of the land under Scheme Amendment C247morn;
- 1.75% of gross aggregate lot sales value of the Precinct (ex GST) post rezoning under Scheme Amendment C247morn.

Ultimately, the number of landowners providing affordable housing contributions will depend on whether a Retirement Village and Aged Care Facility permit application is separately approved by the State Government for some lots within the Precinct (as outlined later in this report), as contributions from affected landowners would be required to be paid to the State Government – not Council.

Planning Permit Application for a Retirement Village and Residential Aged Care Facility

As a separate but related matter, a Planning Permit Application for a Retirement Village and Residential Aged Care Facility (Retirement Village) has recently been lodged as a Ministerial Permit PA2504077 by Applicant Summerset Villages (Number 9) Pty Ltd. This is a permitted use under the current zone (Low Density Residential Zone (LDRZ)).

The subject land for this application comprises 4, 5, 6, 7, 8 and 10 Woodbyne Crescent. It also requires incorporation of Council's open space reserve (Reserve No. 1 PS346179) between 8-10 Woodbyne Crescent.

This Application was lodged under Clause 53.23 Significant Residential Development with Affordable Housing, where the relevant authority is the Minister – not Council. It is lodged with and assessed by DTP under its 'fast track' Development Facilitation Program ('DFP pathway'). Applications are eligible if the following conditions are met:

4.6 (Cont.)

- The estimated cost of the proposed development of land for accommodation must be at least \$50 million if any part of the land is in metropolitan Melbourne.
- The Application includes an affordable housing report that demonstrates how the affordable housing contribution is intended to be provided. The contribution must be at least 10% of the total number of dwellings in the proposed development provided as affordable housing or an alternative contribution towards the provision of affordable housing.
- Information demonstrating the likely feasibility of the proposed development is provided to the satisfaction of the Minister. This must include written advice from the Chief Executive Officer or delegate, Invest Victoria.

The Plans and status of this Application under the DFP pathway can be tracked at this webpage: [PA2504077](#). The Application was advertised in February 2026 and may be determined prior to any Council adoption and Ministerial approval of Amendment C247morn.

The Application was referred to the Shire for comment and recommended permit conditions. However, a Notice of Decision to Grant a Permit will not be sent to objectors, and there are no appeal rights for objectors.

The advertised layout plan for the Proposal is shown in Figure 3.

4.6 (Cont.)



Figure 3: Application PA2504077 Retirement Village layout plan

The key differences between the Retirement Village Proposal and the Development Plan for the Woodbyne Precinct under Amendment C247morn are summarised as follows:

- Revised internal road configuration, in terms of alignment and road reserve widths.
- Internal roads in the Retirement Village would be private, not Council-owned under Amendment C247morn.
- The size, location and orientation of the public park, which is understood to be the same size as that part of the Council-owned Reserve which it proposes to replace i.e. 1,627 metre squared (m²). The park protects existing

4.6 (Cont.)

trees and is approximately 400m² larger than the central park proposed in Amendment C247morn.

- There are two proposed small open space linkages (of about 300m²) at 7 and 10 Woodbyne Crescent which would no longer be available. Therefore, public pedestrian open space connections to Carbine Way and the northern section of Racecourse Road, which are shown on the DPO25, and the Development Plan would no longer be available as public access.
- Addition of a centrally located recreational facilities and aged care building is not foreshadowed by Amendment C247morn but is an anticipated feature of the Retirement Village.
- No residential development is likely to directly abut the northern boundary with industry in Carbine Way (an internal road and landscaped buffer is proposed instead).
- No reference to sharing of infrastructure, particularly the drainage reserve infrastructure for the whole precinct.

It is important to note that if a permit is issued by the Minister under the DFP pathway, any affordable housing contribution (in cash or in kind) is payable to the State Government – not Council – and would not be directed to the provision of affordable housing on the Peninsula.

If the Ministerial permit is granted, and Amendment C247morn is approved, there will be two valid permits applying to some of the lots (i.e. Retirement Village and subdivision for housing). Both permits rely on the land sale process to procure part of the Council reserve.

Importantly, while there are clear land use and design differences between the outcomes sought by Amendment C247morn and the Retirement Village application, delivery of infrastructure sought by Council via Amendment C247morn would still be assured through the PIFP, as outlined above. That is, regardless of whether the Retirement Village Proposal proceeds, the broader Precinct infrastructure set out in Amendment C247morn will be funded and delivered.

Significantly, as the open space linkages to Carbine Way and Racecourse Road (OS-02 and O3-03) would not be delivered by the Retirement Village application (if approved), the proponents have volunteered to provide Council with about \$650,000 cash in lieu, which includes both land and construction costs. In accordance with the PIFP, this funding must be used to benefit the Precinct.

4.6 (Cont.)**Other Planning Scheme Amendments Affecting the Precinct***Impact of Potential Ministerial Approval of Amendment C219morn*

Council adopted Amendment C219morn in August 2024 and submitted it to the Minister for approval in September 2024. As previously noted, Amendment C219morn implements Council's adopted HSS and NCSG.

Specific to the subject site, Amendment C219morn proposes a new LDRZ (Schedule 7) and a DDO (Schedule 53) for the subject land. The DDO53 is designed to apply to low density rural settlements. The LDRZ and DDO53 are in effect a translation of zone and overlay provisions that exist today.

If Amendment C219morn is approved during the processing of Amendment C247morn, the Amendment C247morn documentation will need to be revised to delete DDO53 and rezone the land from LDRZ7 to the NRZ42. The timing of the Minister's final decision on Amendment C219morn is not known.

Amendment C319morn Erosion Management Overlay

Amendment C312morn applies a new Erosion Management Overlay – Schedule 7 (EMO7) to all land on the Peninsula that is highly susceptible to landslides. The EMO7 took effect on 6 January 2026. Five properties within the Woodbyne Precinct now have the EMO7 applied – refer map in Figure 4 below. In the future, a landslide risk assessment may be required for any Planning Permit Application for specified buildings and works. This assessment may not be required, as the area of soil build up is likely to be removed for the development of houses and roads.



Figure 4: Amendment C312morn – interim EMO7 (red areas on five properties in the Woodbyne Residential precinct).

4.6 (Cont.)**Options for consideration**

In accordance with section 31(1) of the *P&E Act*, and section 9 of the Planning and Environment Regulations 2016, Council is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations.

In accordance with section 27(1) of the *P&E Act*, Council must now consider the Panel's report before deciding whether to adopt the Amendment. For the Amendment to proceed, it must be adopted by Council and then sent to the Minister for approval.

- Option 1: accept all the Panel's recommendations and adopt the Amendment with additional minor editing changes recommended by officers, subject to the later of:
 - o All landowners of the Amendment area entering into section 173 Agreement/s to implement the Woodbyne Precinct – Precinct Infrastructure Funding Plan prepared by Urban Enterprise (dated 19 March 2026, version 9)
 - o Council entering a contract of sale for approximately 1,627m² of Reserve No. 1 on PS346179 and vesting of alternate public open space to the satisfaction of Council as landowner.
- Option 2: reject the Panel's recommendations in full and adopt the Amendment as per the post-exhibition version endorsed by Council on 22 July 2025.
- Option 3: abandon the Amendment.

Option 1 is recommended because:

- The Amendment implements recommendations from Council's adopted HSS and aligns with the State Government's housing reforms to provide housing in suitable locations.
- The Amendment is underpinned by relevant technical assessments to inform the final precinct master plan to protect the residential precinct from potential adverse impacts from existing surrounding land uses.
- The Amendment has been informed by extensive community engagement and independent review through a public Planning Panel process.
- The Panel concluded that the Amendment is supported by and implements the relevant sections of the Planning Policy Framework, is generally consistent with the relevant Ministerial Directions and Practice Notes, is well

4.6 (Cont.)

founded and strategically justified, and should proceed subject to several recommended changes.

- The final recommended version of the proposed DPO25 includes changes which respond to Panel's recommendations and minor drafting changes to improve clarity.
- The adoption of the Amendment will not proceed until such time that the two separate processes, namely the landowner agreements to implement the PIFP and the sale of the Council reserve and replacement open space, are finalised to the satisfaction of Council.

It is noted that if Council pursues this option, Shire officers will need to request an exemption from the statutory timeframes outlined in Ministerial Direction 15 (The Planning Scheme Amendment Process), section 6(b), which specifies that a Council must make a decision about the amendment within 40 days of receiving a Planning Panel report. While there is a risk that DTP may refuse such an exemption request, this risk is considered very low given the Amendment proposes to increase housing supply which aligns with State Planning Policy. Shire officers will action this request as needed.

Option 2 (reject all Panel recommendations and adopt Council's 22 July 2025 post exhibition version of the Amendment) is not recommended because of the findings and recommendations of the Panel and subsequent Shire officer recommendations as detailed in this report and associated attachments.

Option 3 (abandon the Amendment) is not recommended because the Panel has concluded that the Amendment is strategically justified to provide residential land as required by State and local planning policies and strategies.

However, it is recommended that Council resolve to abandon the Amendment if the two separate processes, namely the landowner agreements to implement the PIFP and the sale of the Council reserve and replacement open space, are not finalised within 12 months of Council's decision.

It is noted that:

- Council is not obliged to follow the recommendations of the Panel as the Panel's recommendations are not legally binding. However, Council must clearly explain its reasons for not following any of the recommendations, as per section 31(1) of the *P&E Act* and section 9 of the Planning and Environment Regulations 2015.
- The Minister often favours recommendations of Planning Panels and can make changes to the Amendment once submitted for approval.

4.6 (Cont.)

- Neither Council, the proponent, nor submitters have the right to appeal the Minister's decision.

If approved by the Minister, a notice of approval will be published in the Government Gazette – the date of which is when the Amendment would officially come into effect.

ENGAGEMENT

Engagement on the Amendment was carried out as per the public exhibition requirements set out in the *P&E Act* and as directed by the Minister. As noted previously in this report, the Amendment was publicly exhibited for 9 weeks, from 21 November 2024 to 24 January 2025. The extended exhibition period accounted for the 2024/2025 summer holiday period.

Notice of the Amendment was extensive with individual letters sent to owners and occupiers of all land in the following area of the Moorooduc Ward (Figure 5).

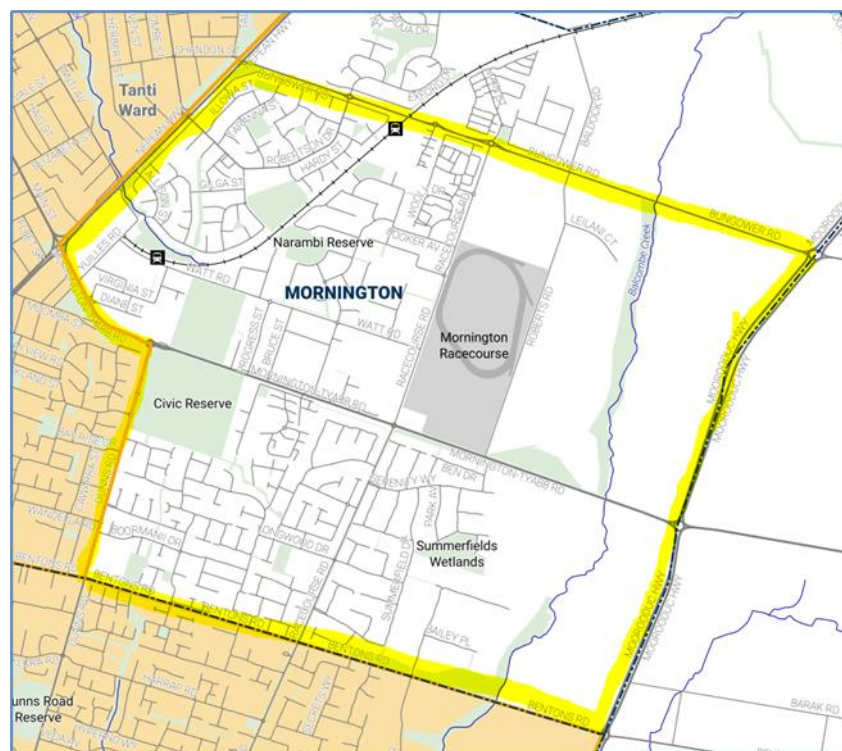


Figure 5: Extent of notice of Amendment C247morn by individual letter

Notice of the Amendment was given through:

- Public notices in the Government Gazette and Mornington News
- A dedicated webpage on the Shire's website
- A notice to the Environment Protection Authority Victoria (EPA) as directed by the Minister's authorisation letter

4.6 (Cont.)

- Notices to prescribed ministers: Minister for Agriculture, Minister for Energy and Resources, Minister for Environment, Minister for Outdoor Recreation and Minister for Water
- Notices to other relevant ministers: Minister for Housing and Minister for Racing
- Notices to other Members of Parliament at the Federal and State level: the Hon. Zoe McKenzie MP (Federal) and Mr Chris Crewther MP
- A notice to the Registered Aboriginal Party – Bunurong Land Council Aboriginal Corporation
- Notices to public authorities: South East Water, United Energy and VicRoads
- A notice to the Melbourne Racing Club
- Notices to local real estate agents in Mornington

During the exhibition period, members of the community could enquire about the Amendment with Shire officers via phone, email or in writing.

Three in-person community information sessions were also held at the Mornington Shire office to provide community members with an opportunity to:

- Speak directly with a Shire officer, the proponent, the proponent's planning consultant and traffic engineering consultant
- Seek further clarity about the Proposal and the planning scheme amendment process
- Provide their initial thoughts and feedback on the Proposal.

The sessions were set up as a series of individual one-on-one appointments, with 14 appointments conducted over the 3 sessions.

During the exhibition period, submissions could be made in writing via letter, email or online via the submission portal on the Shire's amendment webpage:

[Amendment C247morn – Woodbyne residential precinct, Mornington – Mornington Peninsula Shire](#)

COMMUNICATIONS PLAN

A Communications Plan is not required because all public notice and community consultation on the Amendment is carried out as per the planning scheme amendment process requirements of the *P&E Act* and directions of the Minister.

4.6 (Cont.)

Shire officers will notify all submitters of Council's decision and update the Shire's amendment webpage.

LEGAL AND REGULATORY FRAMEWORK

As per the *P&E Act* and the Planning and Environment Regulations 2015 (P&E Regs):

- Council must consider the Panel's report before deciding whether or not to adopt the Amendment – section 27(1).
- Council must give its reasons if it does not follow the Panel's recommendations (section 31(1) *P&E Act*, and section 9 of the P&E Regs).
- Council must tell the Minister in writing if it decides to abandon the Amendment [section 28(1)] and must publish a notice of its decision on its internet site within 10 business days for at least 2 months, detailing the reasons for its decision – section 28(2-4).
- Council may adopt the Amendment or any part of it, with or without changes – section 29(1).
- If Council adopts the Amendment, it must submit the adopted Amendment to the Minister – section 31(1) together with any prescribed information as per regulation 9 of the P&E Regs.
- If the Minister approves the Amendment (in whole or in part, with or without changes or conditions) Council must give notice as per the Minister's instructions – section 36(2).
- The Amendment comes into operation when the notice of approval of the Amendment is published in the Government Gazette by the Minister – section 37.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

The environmental, social and economic effects of the combined amendment are outlined in the exhibited Explanatory Report for the combined amendment.

FINANCIAL CONSIDERATIONS

As a privately led Amendment, the proponent is required to pay Council statutory fees at various stages during the Planning Scheme Amendment process in accordance with regulation 6 of Planning and Environment (Fees) Regulations 2016. The proponent is also required to pay a fee for Council to decide whether to adopt the Amendment (\$546.30), and to pay the fee for the Minister to decide whether to approve the Amendment (\$546.30).

4.6 (Cont.)

Through a signed Memorandum of Understanding, the proponent has also accepted responsibility for reimbursement of Council costs associated with the Planning Panel hearing, including fees for Council's advocate Harwood Andrews (about \$38,000), the Shire's traffic engineering expert witness Ratio (about \$29,000), cost of livestreaming panel hearing (about \$2,500) and Planning Panel fees to conduct the hearing and prepare its report (about \$21,000).

Council has incurred about \$10,000 in fees for independent review and advice by Mesh Planning Consultants to assist with negotiating the terms of the PIFP, and about \$20,000 in legal fees to assist with post-Panel matters, including reviewing and negotiating the terms of the PIFP.

The costs of managing the collection levies for provision of infrastructure will be cost neutral to Council as explained earlier in this report. The PIFP has an allowance of \$110,000 (including GST) payable to Council by the first developer to enable Council officers to administer the collection and reimbursement of levies for a period of about 20 years.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.7 P24/1892 – Development of a Dwelling and Vegetation Removal – 37 Bayview Road, Balnarring Beach, VIC 3926

Issued By	Manager – Statutory Planning
Authorised By	Director – Planning & Liveability
Document ID	A14043016
Briefing Note Number	Not applicable
Attachment(s)	1. Development Plans 2. Arboricultural Report 3. Objections (confidential) 4. Applicant Written Submission 5. Slope Stability Report 6. Officer Report

EXECUTIVE SUMMARY

The purpose of this report is to seek a decision from Council regarding Planning Application P24/1892 for the proposed development of dwelling additions and a single tree removal at 37 Bayview Road, Balnarring Beach. The Application has been called in by Councillor Gill for a decision by Council.

The Application proposes the development of additions to an existing dwelling and vegetation removal. The following details describe the Proposal:

- The built form element of the Proposal involves an extension to the south of the existing dwelling.
- The maximum height of the dwelling additions is 6.73 metres.
- The maximum height of the dwelling additions facing the streetscape is 4.43 metres.
- The dwelling will be finished in a muted tone and largely utilise natural timber cladding.
- A *Corymbia maculata*, Spotted Gum Tree, is proposed to be removed. Within the submitted arboricultural report (dated 11 November 2024), this tree was determined to have a high arboricultural value.
- There are no significant earthworks proposed.

Public notice was undertaken via letters to adjoining properties and signage to Bayview Road. 34 objections (as at 11am on 11 March 2026) to the Proposal were

4.7 (Cont.)

received. The majority of these concerns relate to the removal of the Spotted Gum tree. There were objections raised by the south-eastern properties regarding the built form of the extension.

The Spotted Gum tree is considered to have significant value to the surrounding environmental values and as such the tree will be conditioned to be retained as well as appropriate tree protection conditions recommended by Council's internal Vegetation Officer. The built form aspect is appropriate in terms of the surrounding character of the area and there is no adverse impact on the amenity of adjoining lots or the streetscape.

The Proposal is considered acceptable having regard to the relevant provisions of the Planning Scheme and the *Planning and Environment Act 1987*. It is recommended that Council supports the Application and resolves to issue a Planning Permit, subject to the conditions contained within this report.

RECOMMENDATION**Part A**

That Council, being a Responsible Authority under the Mornington Peninsula Planning Scheme (the Planning Scheme) and the *Planning and Environment Act 1987*, having considered all matters required under section 60 of the *Planning and Environment Act 1987*, hereby resolves that Planning Permit Application P24/1892 be supported and the following issued:

Grant a Permit with the following permissions and conditions:

Planning Scheme Clause	Matter for which the permit has been granted
Clause 42.01-2 (Environmental Significance Overlay (ESO) 21)	Construct a building or construct or carry out works.
Clause 43.02-2 (Design and Development Overlay (DDO) 3)	Construct a building or construct or carry out works.
Clause 44.01-2 (Erosion Management Overlay (EMO)1)	Construct a building or construct or carry out works.
Clause 44.01-2 (EMO7)	Construct a building or construct or carry out works.

4.7 (Cont.)**Conditions*****Amended plans***

- 1. Before the developments starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the Application but modified to show:**
 - A. The retention of the *Corymbia maculata* (Spotted Gum) identified as Tree 1 within 'Tree Assessment and Development Impact Report' Version 1, Report Reference 24097 BAL. Prepared by Jarrad Miller dated: 11 November 2024.**
 - B. A Tree Management and Protection Plan (TMPP) prepared by a Level V (Australian Qualifications Framework (AQF)) Arborist in accordance with Australian Standard AS 4970-2025 Protection of Trees on Development Sites. The TMPP must include all retained trees on the subject site or adjoining land whose Notional Root Zones (NRZ) fall within the proposed development footprint (including any associated buildings, works or excavation), and demonstrate that the trees will remain viable during all stages of development. The report must include:**
 - i. The appointment of a Level 5 Project Arborist.**
 - ii. A design review including recommendations as to any design modifications, required setbacks, special construction methods, or special construction materials, required to ensure the trees will be protected and remain viable.**
 - iii. A requirement for the footings of the architectural cladding within the NRZ of Tree 1 (Spotted Gum), to be engineered so that they use minimally intrusive screw piles (or similar) designed by an engineer, with holes to be dug by hand under the supervision of the project arborist and the position of the support poles and holes to be relocated to avoid structural or significant roots as required**

4.7 (Cont.)

- iv. A requirement for all excavation within the NRZ of Tree 1 to be undertaken under the direct supervision of the Project Arborist, using a method which is minimally-destructive to tree roots**
 - v. Tree Protection Specifications (TPS) including:**
 - a. A description of all tree protection fencing, special construction methods, special construction materials, and tree protection measures, which must be implemented and certified**
 - b. A Supervision Timetable to ensure arboricultural oversight during critical stages of the development**
 - c. a Certification Document using a logical and sequential process**
 - vi. A Tree Protection Plan (TPP) drawn to scale.**
- C. A notation to be included on all site plans and ground floor plans stating that “The footings for the architectural cladding within the Tree Protection Zones (TPZ) of Tree 1 must be engineered using screw piles or similar, with all excavation to be dug by hand under the supervision of the project Arborist in accordance with the Tree Management and Protection Plan”.**
- D. Amended development plans which show any design modifications; amended setbacks; special construction methods; or special construction materials; required to comply with the recommendations resulting from conditions 1(b) without a reduction in the setback between the development and any common boundary.**
- E. The geotechnical report must be amended, if requested, to the written satisfaction of the peer reviewer, and a copy of the amended geotechnical report and written confirmation from the peer reviewer lodged with the Responsible Authority.**
- F. Written confirmation from the peer reviewer of the geotechnical report regarding their satisfaction that the amended Land Stability Assessment Report No: 1250229-1, Issue 2 has incorporated their comments.**

4.7 (Cont.)**Approved Development Not Altered**

- 2. The approved development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority (unless otherwise specified by a condition of this permit, consent is not required for any buildings or works which do not require a planning permit under the Planning Scheme).**

Colours/Materials

- 3. The materials and colours of the exterior finish of the building must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.**

Finishes

- 4. Prior to the initial occupation of the dwelling external finishes must be completed to a professional standard to the satisfaction of the Responsible Authority.**

Disturbed Surfaces

- 5. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.**

Driveway/Crossover

- 6. A driveway must be provided to the land and surfaced to the satisfaction of the Responsible Authority. It must be completed prior to the initial occupation of the dwelling.**

Environmental Health

- 7. All sewerage and sullage wastewater must be discharged into a reticulated sewerage system to the satisfaction of the Responsible Authority prior to occupation of the dwelling.**

Tree Protection

- 8. Prior to the commencement of any demolition, excavation or works and during all stages of development, the TPZ, tree protection fencing, recommendations, design modifications, required setbacks, special construction methods, special construction materials and tree protection measures identified in the approved TMPP must be implemented, complied**

4.7 (Cont.)

with, and certified to the satisfaction of the Responsible Authority. A final certified copy of the TPP, demonstrating that compliance with the plan has been implemented and achieved must be prepared and made available at the reasonable request of a statutory authority.

- 9. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.**
- 10. No trenching or soil excavation is to occur within the NRZ of retained trees during development unless shown on the endorsed plans, without the prior written consent of the Responsible Authority.**

Engineering

- 11. Before any works associated with the development starts, detailed construction plans of the dwelling must be completed in accordance with planning permit conditions, endorsed plans and the recommendations of the geotechnical report.**
- 12. Any proposed changes to the building footprint or modifications after the date of the report must include a written response from the geotechnical consultant and be submitted to the Responsible Authority to be endorsed.**
- 13. The dwelling and retaining walls must be designed and constructed in accordance with the planning permit conditions, endorsed plans, and recommendations of the peer reviewed geotechnical report.**
- 14. All retaining walls must be designed by a qualified structural engineer in accordance with the recommendations of the geotechnical report.**
- 15. All sites cut and fill batter slopes must be in accordance with the recommendations of the geotechnical report.**
- 16. No watering systems are permitted in the potentially unstable areas.**
- 17. A drainage surcharge route within the development to avoid inundation of the dwelling.**
- 18. All stormwater and subsoil drainage must be directed to a legal point of discharge.**

4.7 (Cont.)

- 19. Prior to the commencement of any works for the development, a Form A 'Geotechnical Declaration and Verification Development Application' in accordance with the Australian Geomechanics Society (AGS) 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Specialist Geotechnical Engineer or a Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with the Responsible Authority.**
- 20. Prior to the commencement of any works for the development, a Form B 'Structural/Civil/Geotechnical Engineering Declaration' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Structural Engineer Registered as a Civil or Structural Endorsed Building Engineer with the Victorian Business Licencing Authority and also a Specialist Geotechnical Engineer or a Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with the Responsible Authority.**
- 21. Prior to the occupation of the development, a Form F 'Geotechnical Declaration Final Structural / Civil Certificate', along with 'as constructed' documents in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Structural Engineer Registered as a Civil or Structural Endorsed Building Engineer with the Victorian Business Licencing Authority, and a copy lodged with the Responsible Authority.**
- 22. Prior to the occupation of the building, a Form G 'Final Geotechnical Certificate' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' must be completed by a Specialist Geotechnical Engineer or Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with the Responsible Authority.**

Expiry

- 23. This permit will expire if one of the following circumstances applies:**
 - A. The development is not started within 3 years of the issued date of this permit.**

4.7 (Cont.)

- B. The development is not completed within 5 years of the issued date of this permit.**

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Part B

That Council resolves that Attachment 3 to this report be retained as a confidential item pursuant to section 3 (1) (f) of the *Local Government Act 2020* as it relates to people's personal information.

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.1: Protected, resilient and enhanced natural environments.

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.1: A financially sustainable, high-performing and well-governed Council.

Performance: A transparent, accountable Council delivering measurable, community-centred services that are cost-effective, fit-for-purpose, future-proofed, and responsive to community needs.

Strategic Objective 4.2: Community-centred, responsive, and fit-for-purpose services.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles A, B, C, E, H and I which are:

4.7 (Cont.)

- A. Council decisions are to be made and actions taken in accordance with the relevant law.
- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- C. The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.
- E. Innovation and continuous improvement is to be pursued.
- H. Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

DISCUSSION**Purpose**

The purpose of this report is to provide a summary of:

- The relevant background of the site.
- The Proposal.
- The key issues.
- Submissions and Shire officer response.

The assessment is against the relevant provisions of the *Planning and Environment Act 1987* and the Planning Scheme.

For a detailed assessment of the all the relevant matters please see Attachment 6 – Officer Report.

Background

The key planning considerations are summarised in the below table:

Proposal	Development of dwelling additions and the removal of a tree.
Zone and Overlays	Zone: General Residential Zone, Schedule 1 (GRZ1)

4.7 (Cont.)

	Planning Overlays: • Environmental Significance Overlay, Schedule 21 (ESO21) • Vegetation Protection Overlay, Schedule 1 (VPO1) • Design and Development Overlay, Schedule 3 (DDO3) • Erosion Management Overlay, Schedule 1 (EMO1) • ☒ Erosion Management Overlay, Schedule 1 (EMO7)
Permit Triggers	• Clause 42.01-2 (ESO21) – A planning permit is required to construct a building or construct or carry out works. • Clause 42.01-2 (ESO21) – A planning permit is required to remove, destroy or lop any vegetation, including dead native vegetation. • Clause 42.02-2 (VPO1) – A planning permit is required to remove, destroy or lop any vegetation. • Clause 43.02-2 (DDO3) – A planning permit is required to construct a building or construct or carry out works. • Clause 44.01-2 (EMO1) – A planning permit is required to construct a building or construct or carry out works. • ☒ Clause 44.01-2 (EMO7) – A planning permit is required to construct a building or construct or carry out works and to remove, destroy or lop any vegetation. vegetation removal.
Advertising	Public Notice was undertaken by sending direct notice to adjoining properties and erecting a sign on site for 14 days.
Submissions	34 objections have been received to date.
Consultation	No formal consultation has occurred.

4.7 (Cont.)

Key Issues of Consideration	Removal of the Spotted Gum Tree. The design and siting of the dwelling additions, including the impact on adjoining lots.
Recommendation	A planning permit be granted, subject to conditions.

Subject Site and Surrounds

Figure 1: Aerial image (Geographic Information System (GIS)) showing subject site (in red), surrounding properties and the approximate location of the proposed dwelling additions and tree proposed to be removed.



Adjoining land	
North-west:	Bayview Road.
South-east:	32 Carisbrooke Street - Single storey dwelling.

4.7 (Cont.)

	• Shed within the rear yard. • Front setback measured to be approx. 7.5 metres from Carisbrooke Street. • Vegetation located on site primarily along the boundaries of the site. 34 Carisbrooke Street • Single storey dwelling. • Shed within the rear yard. • Pool and decking within the rear setback of the existing dwelling. • Carport located on the front boundary. • Light vegetation on the site, primarily located within the front setback. It is noted that a large hedge is located along the rear northern fencing. 36 Carisbrooke Street • Single storey dwelling. • Vegetation located within the front and rear setbacks of the existing dwelling. • Carport located on the front boundary. • Rear yard is heavily sloping and largely made up of retaining walls. 38 Carisbrooke Street • Double storey appearing dwelling. • A front setback to Carisbrooke Street measured to be approximately 11 metres. • ☒ Vegetation scattered throughout the site.
North-east	35 Bayview Road • Double storey dwelling. • Approximately 7 metres setback from the Bayview Road.

4.7 (Cont.)

	• Outbuilding/shed within the rear yard of the site. • ☒ Vegetation located within the front and rear setbacks of the existing dwelling.
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This Application proposes the development of dwelling additions and the removal of a single tree. The following details describe the Proposal:

- A *Corymbia maculata*, Spotted Gum Tree to be removed. Within the submitted arboricultural report (dated 11 November 2024), this tree was determined to have a high arboricultural value.
- The built form element of the Proposal involves an extension to the south of the existing dwelling.
- The total site coverage of the building (including roofed areas) will be 295.08square metres (sqm) which is 31.25% of the subject site.
- The extension itself is 134.97sqm increase in site coverage from the existing conditions.
- The lower floor of the extension is largely a garage, but also includes a toilet, laundry and storage area.
- The upper floor of the extension is made up of a bedroom, walk in wardrobe, ensuite and living room.
- There is a stairway that connects these two floors along with the existing dwelling located in the centre of the development.
- The maximum height of the dwelling addition will be 6.23 metres from its south-eastern corner which is the elevation closest to the southern properties.
- The maximum height of the dwelling additions is 6.73 metres.
- The maximum height of the dwelling addition facing the streetscape is 4.43 metres.
- The dwelling will be finished in a muted tone and largely utilise natural timber cladding.
- The dwelling addition will be setback a minimum of 4.1 metres to the streetscape.

4.7 (Cont.)

- The dwelling addition will be setback a minimum of 2 metres from the side/rear boundary shared with 36 Carisbrooke Street.
- There are no significant earthworks proposed.

Please refer to the following for further details:

- Attachment 1 – Development Plans
- Attachment 2 – Arboricultural Report
- Attachment 3 – Objections (confidential)
- Attachment 4 – Applicant Written Submission
- Attachment 5 – Slope Stability Report
- Attachment 6 – Officers Report

NOTIFICATION AND CONSULTATION**Notification**

Under section 52 of the *Planning and Environment Act 1987*, Public Notice was undertaken by sending direct notice to adjoining properties and erecting a sign on site for 14 days.

Submissions

Please refer to Attachment 3 – Objections (confidential)

34 objections (as of 11am on 11 March 2026) to the Proposal were received. The majority of these concerns relate to the removal of the Spotted Gum Tree. Specifically, the detrimental impact on environmental values, landscape and fauna species that would be a consequence of the tree's removal. The other concerns raised were about the lots which are to the south-east of the subject site. The concerns raised were largely around the development not aligning with the character of the area, the impact on amenity from the perspective of the rear dwellings and non-compliance with standards within Clause 54, including the Overlooking and Overshadowing Standards.

Referrals

The Application was referred to:

- Council's Development Engineering Department.
- Council's Senior Vegetation Officer.

4.7 (Cont.)**CONSIDERATION**

Please refer to Attachment 6 – Officers Report for full details of assessment.

The following key issues are summarised below:

Corymbia maculata (Spotted Gum) – Tree 1.

Planning permission is required under Clause 42.01-2 (ESO21), Clause 42.02-2 (VPO1) and Clause 44.01-2 (EMO1 and EMO7) for the proposed tree removal. The vegetation proposed to be removed is limited to Tree 1 which is a *Corymbia maculata* (Spotted Gum). Tree 1 is considered to have a significant impact on the landscape and environmental values of the area. Further, Tree 1 was assessed to be in good condition and evaluated to be of high arboricultural value. Although the Spotted Gum isn't a primary source of food for koala's in the area, the removal of the tree represents a loss in habitat for fauna species.

The proposed tree removal and Arboricultural Report were referred to Council's Senior Vegetation Officer for comment. The retention of Tree 1 was recommended along with relevant Tree Protective conditions to ensure the development will not impact the tree. Given the above, the removal of Tree 1 is not considered to meet the objectives or decision guidelines of the VPO1 or ESO21. Tree 1 can be retained with appropriate conditions, and as such, conditions of approval will be placed on the permit to ensure the retention and protection of Tree 1.

It is also noted that while the subject land is located within a designated bushfire prone area, the Bushfire Management Overlay is not applicable. Exemptions relevant to vegetation removal for the establishment of defensible space are provided in Clause 52.12. These allow for the removal of vegetation within 10 metres of a building located within a bushfire prone area and used for accommodation prior to 10 September 2009 to be exempt from the need for a planning permit. While the existing dwelling on site pre-dates 10 September 2009, only a very minor extent of Tree 1's canopy exists within 10 metres of this existing building, see Figure 2.

4.7 (Cont.)

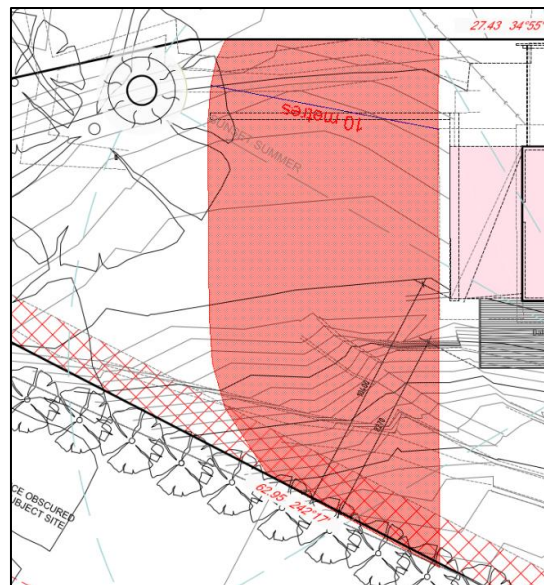


Figure 2: Site plan with solid red area demonstrating the 10 metre vegetation removal exemption from the existing dwelling.

Conditions requiring the development to maintain and protect Tree 1, outside of the extent within 10 metres as shown above, are therefore lawful and will ensure that this vegetation cannot be removed. Further conditions requiring that any changes to the dwelling addition necessitated to retain and protect Tree 1 not result in a reduction in setback between the assessed development and any common boundary will also ensure that the development can proceed in an altered capacity without encroaching on the streetscape or adjoining allotments.

Planning permission is required under Clause 42.01-2 (ESO21), Clause 43.02-2 (DDO3) and Clause 44.01-2 (EMO1 and EMO7) for buildings and works. Built form impact on amenity of adjoining lots is largely considered within the DDO3.

Streetscape Elevation Amenity

The Proposal does vary the 7.5 minimum general requirement within the DDO3. The submitted plans show the dwelling addition to have a maximum height of 4.93 metres above Natural Ground Level (NGL) from the front elevation. Given this, the dwelling will appear largely single storey in form from the streetscape. Also, there is large and dense vegetation located along the northern and western areas of the subject site, including the road reserve, which would significantly obscure the dwelling from the Bayview Road viewpoint. Further, the proposed muted natural finish of the addition ensures that the development is responsive to the natural characteristics of the immediate area.

36 Carisbrooke Street Amenity

The dwelling has a maximum height of 6.73 metres facing the southern boundary. It is noted that at the minimum 2 metre setback to the southern boundary, the

4.7 (Cont.)

maximum height of the dwelling is 6.235 metres. The proposed dwelling addition would be visible from the rear secluded private open space of 36 Carisbrooke Street. The development has a maximum variation of 0.73 metres to the general height requirement of DDO3, with the most visually prominent portion from the viewpoint of the southern properties being a 0.235 metres variation. The difference between a fully compliant building height and the proposed height would appear relatively similar in appearance when viewed from the 36 Carisbrooke Street. It is further noted that a compliant development and the proposed design would both be visible from the rear Secluded Private Open Space (SPOS) of 36 Carisbrooke Street.

The DDO3 seeks to ensure development does not create a silhouette above an existing tree canopy line. The development is above the smaller trees on the boundary shared between the subject site and Carisbrooke Street but will not be above the large canopy trees located on the subject site. This is shown in the images below:



Figure 3 & 4: Site photos of the rear yard of 36 Carisbrooke Street.

As explained above, the development would be visible above this smaller tree line even if it had a compliant height due to the topography of the subject site. Also, the soft natural timber finish will allow the dwelling to not look significantly out of place in relation to the natural characteristics of the immediate area and the general area of Balnarring Beach. It is noted that the side and rear setbacks are compliant with the relevant standards under Clause 54. Given the above, the visual impact associated with the dwelling additions from 36 Carisbrooke Street is considered acceptable under the DDO3.

4.7 (Cont.)**Other Southern Properties Along Carisbrooke Street Amenity**

The remainder of the sites along Carisbrooke Street are further setback from the Proposal and will have a limited view of the dwelling additions. Both 34 and 32 Carisbrooke Street have large vegetation along the boundary that will limit any visual impact of the dwelling additions. Where the dwelling will be visible, the canopy trees on the subject site will sit behind the development. The natural muted tones of the development ensure that development is well integrated into the natural environment and won't be visually obtrusive from the rear yards. It is also noted that a staggered built form to comply with the height requirements would result in a similar built form from a visual bulk perspective. Given the above, the amenity impact to the remainder of the southern properties along Carisbrooke Street is considered acceptable.

Additionally, the 9-metre overlooking arc from the balcony adjacent to the bedroom in the extension and the balcony adjacent to the existing building on-site facing the southern elevation does not directly overlook the secluded private open space of 36 Carisbrooke Street or any other adjoining property. The proposed development therefore complies with Clause 54.04-6 – Overlooking objective.

Planning permission is required under Clause 42.01-2 (ESO21), Clause 43.02-2 (DDO3) and Clause 44.01-2 (EMO1 and EMO7) for buildings and works. Built form responsiveness to neighbourhood character is largely considered within the DDO3.

There are several examples of double-storey dwellings that are visible from the rear adjoining road/lot. Of these lots, the most relevant is the direct abutting site, being 35 Bayview Road, which also appears double storey from neighbouring southern sites. The development appears double storey from both rear and front elevation meaning that the total maximum height would likely exceed the height of the proposed dwelling addition. The dwelling on 35 Bayview Road is further setback from the rear southern boundary, but it is noted that the development is primarily on a higher elevation. The following are also examples along Bayview Road that appear double storey from the southern elevation:

4.7 (Cont.)

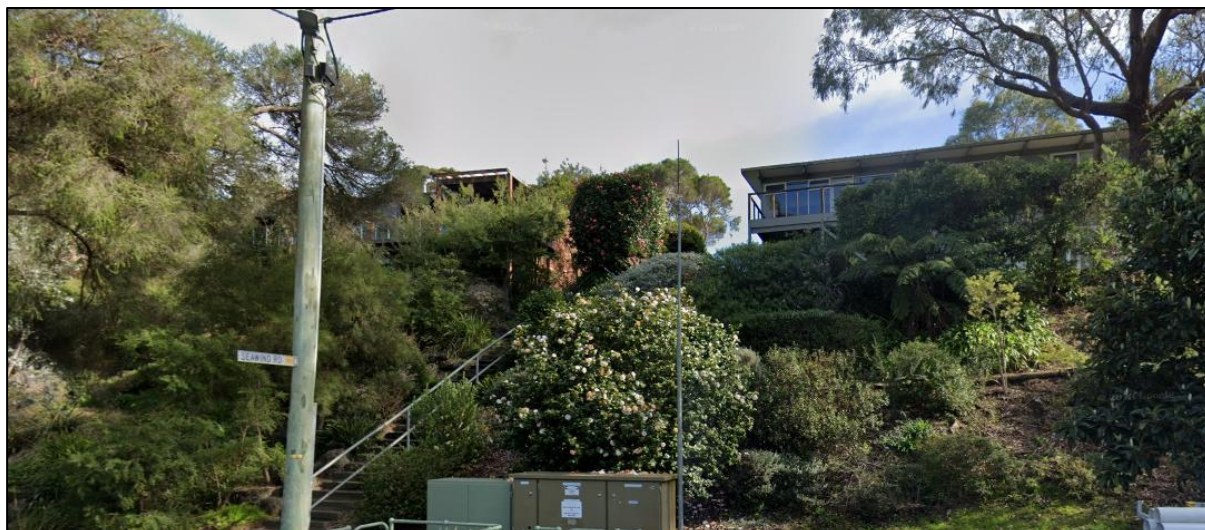


Figure 5: Streetview along Carisbrooke Street of 49 Bayview Road.

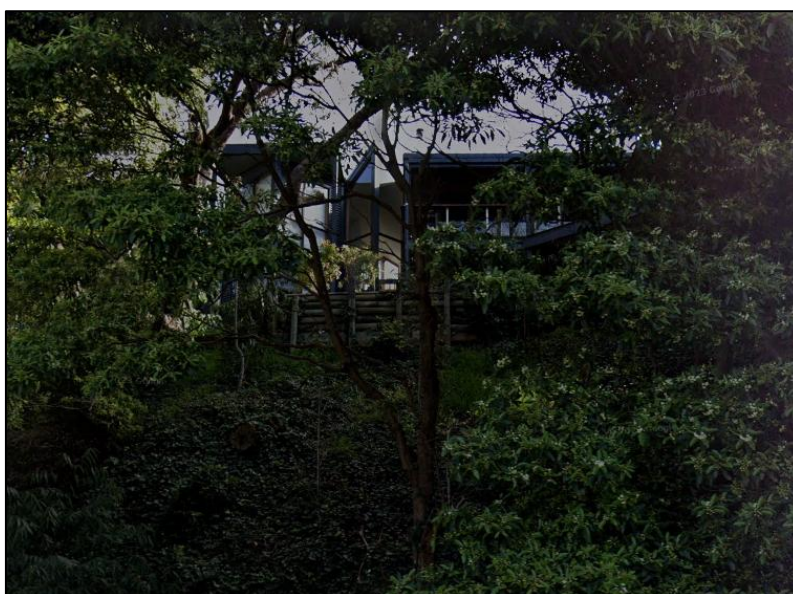


Figure 6: Streetview along Carisbrooke Street of 47 Bayview Road.

The proposed 4.1 metre minimum front setback of the dwelling additions to Bayview Road is also relatively in line with the character of the area, which includes several developments being around or within the proposed front setback. These are demonstrated below:

- 43 Bayview Road – measured to be approximately 4.5 metres.
- 41 Bayview Road – measured to be approximately 3 metres.
- 34 and 36 Carisbrooke Street – measured to be approximately on the front boundary.

The Applicant has submitted relevant geotechnical information which was referred to Council's internal Development Engineering Department. It was

4.7 (Cont.)

recommended to include additional information regarding peer-review confirmation of the submitted geotechnical report as a condition of approval. Further engineering conditions will be placed on the permit to ensure the stability of the subject site.

These conditions will ensure that the development will achieve tolerable landslide risk to human life and property.

Options for consideration

- Option 1 (recommended) – approve the Application as per the Shire officer recommendation. If Council takes this option, the Application will proceed to a notice of decision to grant a planning permit. The objectors will have the ability to appeal a decision to Victorian Civil and Administrative Tribunal (VCAT). The Proposal is considered to satisfy the relevant planning scheme provisions.
- Option 2 (not recommended) – Council could refuse the Application. This option has the potential to result in an appeal of Council's decision to VCAT by the Planning Permit Applicant.

ENGAGEMENT

Not applicable.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

If Council refuses to grant the Permit, the Applicant will have section 77 *Planning and Environment Act 1987* reviews rights to the VCAT.

If Council decides to grant a Permit, the Applicant will have section 80 *Planning and Environment Act 1987* (conditions) review rights to the VCAT.

If Council decides to grant a Permit, the objectors will have Section 82 of the *Planning and Environment Act 1987* review rights to the VCAT.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

If Council refuses to grant the permit, Council may incur planning and legal costs to defend the decision against an appeal from the Applicant as discussed above.

4.7 (Cont.)

If Council grants a permit, Council may incur planning and legal costs to defend any conditions.

If Council grants the permit, Council may incur planning and legal costs to defend the decision against an appeal from objectors as discussed above.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.8 Motorcycle Safety Levy Infrastructure Projects

Issued By	Manager – Strategic Planning Transport & Environment
Authorised By	Director – Planning & Liveability
Document ID	A13957294
Briefing Note Number	BN2171 – 3 March 2026
Attachment(s)	1. Safe System Approach 2. Visual Impact Assessment 3. EOI Stage Plans 4. Verbatim Community Submissions 5. Summary of Community Feedback with Officer Responses 6. Crash Summary 7. Community Meeting Wildlife and Road Safety Barriers – Further Information and Discussion 8. Proposed Scope Changes Plans

EXECUTIVE SUMMARY

The Mornington Peninsula Shire experiences one of the highest Local Government road trauma rates in Victoria, with 105 fatalities and more than 2,300 serious injuries recorded over the past 15 years. Road safety remains a key community concern, reflected in approximately 1,000 road-safety-related customer requests received annually.

In 2024, the Victorian Government invited Expressions of Interest through the Motorcycle Safety Levy (MSL) Program to fund infrastructure improvements aimed at reducing motorcycle crashes and improving safety outcomes. Following a review of crash history and motorcyclist risks on Shire-managed roads, the Shire submitted 18 project proposals, of which 10 were shortlisted by the Department of Transport and Planning (DTP) for further design development.

Council endorsed the 10 projects in June 2025 for potential construction funding, subject to further community consultation for any projects involving the installation of roadside safety barriers and large warning signage. Subsequent engagement included a six-week consultation period with affected residents and stakeholders, resulting in 80 written submissions and several petitions, with significant opposition expressed particularly in relation to proposed treatments in the green wedge and particularly on Main Creek Road.

An independent visual impact assessment found that the proposed infrastructure treatments would have a low impact on the visual and environmental character

of the surrounding areas. In September 2025, the DTP offered construction funding for six of the proposed projects, with a total potential investment of approximately \$1.78 million.

In response to community feedback, further technical and site-specific assessments were undertaken. These reviews resulted in refinements to several project scopes, including the removal of some proposed safety barriers and the addition of community suggested safety improvements. Overall, the revised scope reduces the total length of proposed safety barriers by approximately 52%.

The revised project scopes aim to balance community concerns with the need to address identified road safety risks using Safe System aligned treatments. It is recommended that Council endorse the revised project scopes and accept construction funding. If delivered, the works will deliver targeted infrastructure improvements designed to reduce the likelihood and severity of serious injury crashes on high-risk roads across the Shire.

RECOMMENDATION

That Council:

- 1. Endorses scope changes to the following four projects (as per Attachment 8):**
 - A. Main Creek Road, Main Ridge**
 - B. Browns Road, Main Ridge**
 - C. Baldrys Road, Main Ridge**
 - D. Shands Road, Shoreham.**
- 2. Accepts construction funding through the Motorcycle Safety Levy (MSL) Program for the following six projects (subject to Department of Transport and Planning (DTP) approving the proposed scope changes for projects a) and b):**
 - A. Main Creek Road, Main Ridge**
 - B. Browns Road, Main Ridge**
 - C. Baldrys Road, Main Ridge**
 - D. Shands Road, Shoreham**
 - E. Hodgins Road and Carpenters Lane intersection, Hastings**
 - F. Tyabb-Tooradin Road, Pearcedale.**

4.8 (Cont.)

3. **Abandons the Main Creek Road, Main Ridge and Browns Road, Main Ridge projects if the Department of Transport and Planning does not approve the proposed scope changes (as per Attachment 8).**
4. **Accepts construction funding through the MSL Program for the follow 2 projects should they receive a construction funding offer:**
 - A. **Bayview and Old Cape Schanck Road intersection, Rosebud**
 - B. **Browns and Jetty Road intersection, Boneo.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 2.1: A safe, accessible, inclusive and healthy community.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the 3 June 2025 Council Meeting, Council endorsed 10 MSL Infrastructure projects and endorsed acceptance of construction funding that may be offered by the DTP in the future for any or all of the 10 projects subject to seeking community feedback on the installation of any road safety barriers and large warning signage and taking into account effects on village character before coming back to Council for a decision.

DISCUSSION

Purpose

The purpose of this report is to provide an update on the community engagement outcomes for the MSL Program and to present recommended project scope changes for endorsement of construction funding.

Background

The Mornington Peninsula Shire (the Shire) has one of Victoria's highest Local Government road trauma rates, with 105 fatalities and more than 2,300 serious injuries recorded over the past 15 years. Road safety remains a consistent community priority, reflected in approximately 1,000 road-safety-related customer requests received by the Shire each year.

In early 2024, the DTP invited Expressions of Interest (EOIs) for motorcycle safety improvement projects through the MSL Program.

Motorcycle Safety Levy Program

The MSL Program is a Victorian Government funded initiative aimed at improving safety outcomes for motorcyclists. The program targets high-risk roads and delivers evidence-based infrastructure treatments aligned with a Safe System approach to reduce the likelihood and severity of crashes for all road users.

The Safe System approach acknowledges that human error is inevitable and seeks to ensure that no road user is killed or seriously injured by strengthening outcomes across the four pillars of safer roads, safer speeds, safer road users, and safer vehicles. Further information on this approach is available at Attachment 1.

Eligible treatments under the MSL program include:

- **Barrier Upgrades:** Installation of new motorcyclist-friendly barriers and retrofitting existing barriers with 'rub rail' (underrun) protection to prevent injuries from posts.
- **Road Surface Improvements:** Resurfacing roads to remove hazards, patching, fixing rutting, and removing loose gravel in high-risk, high-speed, or cornering areas.
- **Curve and Intersection Safety:** Installing improved curve alignment signage, delineation (guideposts), and sealing bell-mouths (intersections) to prevent gravel from spilling onto the road.
- **Safety Features:** Installing post cushions on existing barriers.

Design and Development

In response to the DTP's invitation to submit EOIs for motorcycle safety improvement projects, motorcyclist risks and crash history were investigated for Shire-managed roads, and the Baylink Motorcycle Training Centre in Hastings was consulted. Eighteen suitable projects were then identified to submit EOIs. Of these, ten projects were selected by the DTP to proceed to further design development.

Consultation on these ten projects (as well as other road safety initiatives and risks) was then undertaken during March and April 2025 as part of the Shire wide Safer Roads Funding and Priorities consultation. The consultation was promoted via social media and a media release. In addition, relevant community groups, around 100 schools and pre-schools, and key road safety stakeholders (such as emergency services) were directly contacted. Letters were also sent to all properties adjacent to the road lengths, intersections and locations of the proposed MSL projects.

Following this consultation, at the 3 June 2025 Council Meeting, Council endorsed

'...the 10 Motorcycle Safety Levy Infrastructure projects as listed in the below table [Table 1] and endorses Shire acceptance of construction funding that may be offered by the Victorian Department of Transport and Planning in the future for any or all of the 10 projects.

Seeks community feedback on the installation of any road safety barriers and large warning signage and take into account effects on village character before coming back to Council for a decision.

Table 1: MSL projects endorsed by Council for the acceptance of construction funding subject to a future report being brought back to Council in relation to the projects that include road safety barriers and large warning signage (highlighted green).

Location	Proposed treatment/s
Tyabb-Tooradin Road between South Boundary Road East and Bungower Road, Pearcedale	Bellmouth seal of South Boundary Road intersection, improvements to curve signage, upgrade of existing road safety barrier with motorcycle underrun protection and audio tactile centre line marking
Carpenters Lane / Hodgins Road intersection, Hastings	Shoulder sealing, and bellmouth sealing of Carpenters Lane intersection

4.8 (Cont.)

Arthurs Seat Road between Mechanics Road and Nashs Lane, Red Hill	Shoulder sealing
Shands Road between Tucks Road and Bald Hills Bushland Reserve, Shoreham	Improvements to curve signage, upgrade of existing road safety barrier with motorcycle underrun protection and audio tactile centre line marking. Vegetation trimming to maintain sight distance
Baldrys Road, approx. 1 kilometre (km) west of Mornington-Flinders Road, Main Ridge	Improvements to curve alignment signage, installation of new road safety barriers, audio tactile centre line marking and bellmouth seal of property access
Main Creek Road, at the bend in the vicinity of McPherson Lane, Main Ridge	Improvements to curve signage, installation of new road safety barriers, audio tactile centre line marking and upgrade of existing barrier with motorcycle underrun protection
Browns Road between Drum Drum Alloc Creek Drain and Hyslops Road, Main Ridge	Curve alignment signage, installation of new road safety barriers, audio tactile centre line marking and virtual wildlife fencing
Intersection of Browns Road and Jetty Road, Boneo	Improvements to curve signage, installation of new road safety barriers, audio tactile centre line marking and vegetation trimming
Intersection of Bayview Road and Old Cape Schanck Road, Rosebud	Sealed road shoulder, improvements to curve signage, vegetation trimming and bellmouth seal of side road accesses
Melbourne Road, Blairgowrie in the vicinity of Beach Avenue, Blairgowrie	Installation of bellmouth seals at multiple high-risk driveways and side roads

Council and DTP Design Workshop

As part of the design development stage, a workshop was held in April 2025 between Shire officers and the DTP. During the workshop, opportunities were identified to extend the scope of several projects through a collaborative review process. To further enhance motorcyclist safety and contribute to improved road safety outcomes across the Shire, three of the ten

projects submitted for construction funding under the MSL Program were progressed with an extended project scope, including:

- Main Creek Road between Purves Road and Arthurs Seat Road
- Baldrys Road between Purves Road and Mornington–Flinders Road
- Shands Road between Mornington–Flinders Road and Shoreham Road.

Visual Impact Assessment

In accordance with Council’s resolution of 3 June 2025 to take into account village character impacts associated with the installation of road safety barriers, underrun protection, curve alignment markers (CAMs) and barrier terminals, an independent expert was engaged to undertake a visual impact assessment.

Key viewpoints along the following roads were selected to assess the visual impacts of the proposed upgrades.

- Baldrys Road, Main Ridge
- Bayview Road, Rosebud
- Browns Road, Boneo
- Main Creek Road, Main Ridge
- Shands Road, Shoreham
- Browns Road and Jetty Road intersection, Boneo
- Tyabb–Tooradin Road, Pearcedale.

The assessment concluded that the visual impact of the works would be low from all viewpoints assessed.

Overall, the assessment found that the proposed road safety treatments would have a low impact on the character of the surrounding areas.

In summary, the assessment determined:

- Most improvements involve enhancing existing infrastructure.
- Where new barriers or signage are required, their design and materials are consistent with the rural and scenic character of the Peninsula.
- The proposed upgrades are considered appropriate for this location and will deliver important road safety benefits while maintaining the area’s visual and environmental character.

The Visual Impact Assessment is at Attachment 2.

Final Project Submissions

Ten scope approval reports were submitted to the Victorian Government as part of the EOI in August 2025 as required by the DTP. In submitting these EOI's, Shire officers advised the DTP that Council approval was required to proceed with construction of the projects. The design plans that were submitted for the seven project sites that include road safety barriers or large warning signage are provided at Attachment 3.

In developing the final 10 submissions, Shire officers, supported by a motorcycle safety specialist, undertook site-specific risk assessments for each road corridor to determine the level of risk to motorcyclists. Each submission documented the identified risks and outlined appropriate safety treatments to mitigate those risks. Road corridors proposed for safety barrier installation typically exhibited the following road safety risk characteristics:

- **Roadside hazards:** Several roadside hazards located on the outside of the roadway on the outer edge of the roadway at some curves which are unprotected, which are a risk for motorcyclists to strike should they exit the carriageway on this curve. Lack of underrun on existing safety barriers increase the severity of run-off-road events for errant motorcyclists due to the risk of motorcyclists sliding into the posts. The end terminals of existing barriers are also a legacy product which presents a spearing hazard.
- **Signage:** Existing Curve Alignment Markers (CAMs) for some curves are in poor condition and do not appear to have been installed at the correct location and spacing as required in *AS1742.2, Manual of Uniform Traffic Control Devices* reducing their effectiveness at guiding motorists through the curve.

DTP Construction Funding Offer

On 19 September 2025, Council received formal notification from DTP MSL Steering Committee that construction funding had been offered for six of the ten projects submitted under the MSL Infrastructure Program. The total potential construction cost for the six funded projects is approximately \$1.78 million.

In December 2025, DTP requested that Council sign and formalise the funding agreement to secure the funds. Shire officers advised that the funding agreement could not be signed at this time as community consultation was being undertaken on seven of the project submissions (five of which received approval and a funding offer for construction) and following consultation, Council needed to make a decision on whether to accept the construction funding.

Table 2 shows the 6 approved project sites, which have received an offer for construction funding including the proposed treatments and Total Estimated Investment.

Table 2: Current MSL Program Approved Projects

Project Location	Proposed Treatments	Total Estimated Investment
Baldrys Road	Install road safety barriers on the outside of the curve with underrun protection and terminals. Replace the existing CAMs with new CAMs with appropriate spacing. Replace sub-standard guardrail and terminals north of the Kolonga Fire Access Track. Install bellmouth seals at 10 critical driveways on Baldrys Road between Purves Road and Mornington-Flinders Road. Install Audio Tactile Centre Linemarking. Install warning signs on both approaches to the picnic area.	\$335,490
Main Creek Road	Install road safety barriers on the outside of the curve with underrun protection and terminals. Replace the existing CAMs with new CAMs with appropriate spacing. Install Audio Tactile Centre Linemarking. Install underrun protection to the existing road safety barrier.	\$601,350
Browns Road	Install road safety barriers on the outside of the curve with underrun protection and terminals. Install Audio Tactile Centre Linemarking.	\$323,885

	Install CAMs with appropriate spacing.	
Shands Road	Install Rub-rail to the existing road safety barrier. Replace of the existing CAMs through the curves to improve delineation of the bends. Complete a detailed review of the advisory speed limit on all curves . Trim back vegetation throughout this section. Install Audio Tactile Centre Linemarking.	\$300,675
Hodgins Road and Carpenters Lane intersection	Install sealed bellmouth at intersection with Carpenters Lane.	\$99,170
Tyabb-Tooradin Road	Install sealed bellmouths Replace the existing CAMs with new CAMs with appropriate spacing. Install Audio Tactile Centre Linemarking.	\$122,380

Further Design and Development

In response to community feedback received in December 2025, Shire officers conducted further assessments of the approved project scopes for four of the six roads offered construction funding:

- Main Creek Road between Purves Road and Arthurs Seat Road, Main Ridge
- Baldrys Road between between Purves Road and Mornington-Flinders Road , Main Ridge
- Shands Road between Mornington-Flinders Road and Shoreham Road, Shoreham
- Browns Road between Drum Drum Alloc Creek Drain and Hyslops Road, Main Ridge.

These assessments combined technical risk analysis with further site-specific evaluations.

Technical Assessment

The Network Roadside Intervention Threshold (NRRIT) was applied to all curves proposed for safety barrier installation to assess risk. NRRIT is a nationally recognised, State-level roadside risk assessment tool, with a rural roadside barrier threshold in Victoria of ≤ 1.5 . This tool has replaced the traditional 'Clear Zone' approach in Victoria and is used to prioritise investment in roadside safety measures.

It should be noted that, based on the NRRIT assessment, none of the proposed safety barriers at the four project sites met the rural roadside barrier threshold. This means the level of risk warrants intervention, and the installation of a roadside safety barrier is considered an appropriate mitigation measure.

Site Specific Evaluation

A further qualitative assessment was undertaken for each of the four project sites. Proposed scope changes were based on the following criteria:

- Consideration of motorcyclist safety, including barrier length and end terminals that could create additional risk
- Assessment of sight lines and potential impacts on property access
- Modification of safety treatments, where appropriate, to balance risk with the local context.

These assessments resulted in a refinement of the project scope for Main Creek Road and Browns Road as outlined below:

- Main Creek Road – Remove three proposed safety barriers on Main Creek Road. This is supported by the site-specific evaluation that showed this section of road has limited road width with narrow shoulders, existing trees located too close to the road's edge, and there is a potential for barrier and underrun protection to impinge on motorists' sight lines that contributes to increased road risk.
- Browns Road – Proposed to remove one safety barrier on Browns Road near Gardens Road. This is supported by the site-specific evaluation that found the short sections of barrier proposed at this location increased the number of end terminals exposing motorcyclists to greater risk.

In addition, through community consultation, requests were received to install motorcycle underrun protection on two existing safety barriers one on Baldrys Road at the intersection with Macpherson Lane, and one on Shands Road south of Stoney Creek. It is proposed that the scope of the Baldrys Road and Shands Road

projects be refined to incorporate these community-initiated safety improvements.

Proposed Project Scope Changes

Following assessment of each curve with a proposed safety barrier and noting that none met the NRRIT rural roadside barrier threshold, the following scope changes are being proposed, outlined in Table 3.

Table 3: Summary of Project Scope Changes

Project Site	Original /Approved Scope	Proposed scope changes	Final Project Scope
Main Creek Road, Main Ridge	New Guard Fence with underrun protection, Audio Tactile Centre Line (ATCL) Marking and CAM signs at 6 locations. New underrun protection on existing guard fence at one location. Driveway sealing at 5 locations.	Removal of guard fence at 144 Main Creek Road, 87 Main Creek Road and 60 Main Creek Road. Potential for a reduction in CAMs.	New Guard Fence with underrun protection, Audio Tactile Centre Line (ATCL) Marking and CAM signs at 3 locations. Installation of underrun protection on existing guard fence at one location. Driveway sealing at 5 locations.
Browns Road, Main Ridge	New Guard Fence with under-run protection, Audio Tactile Centre Line (ATCL) Marking and CAM signs at 3 locations.	Removal of guard fence at the intersection of Browns Road and Gardens Road.	New Guard Fence with under-run protection at 2 locations. Audio Tactile Centre Line (ATCL) Marking and CAM signs at 3 locations.
Baldrys Road, Main Ridge	New Guard Fence with under-run protection, Audio Tactile Centre Line (ATCL) Marking and	Installation of under-run protection to 2 existing barriers at Baldrys Road / Macpherson Lane	New Guard Fence with under-run protection, Audio Tactile Centre Line (ATCL) Marking

Project Site	Original /Approved Scope	Proposed scope changes	Final Project Scope
	CAM signs at 1 location. Upgrade of existing guard fence at 2 locations. Driveway sealing at 10 locations.	intersection and south of Main Creek.	and CAM signs at 1 location. Upgrade of existing guard fence at 2 locations. Driveway sealing at 10 locations. Installation of underrun protection on existing guard fence at 2 locations.
Shands Road, Shoreham	Installation of under-run protection to existing barriers, Audio Tactile Centre Line (ATCL) Marking and CAM signs at 12 locations.	Installation of under-run protection to 1 existing barrier south of Stony Creek.	Installation of under-run protection to existing barriers, Audio Tactile Centre Line (ATCL) Marking and CAM signs at 13 locations.

The resulting scope changes reduce the total length of proposed safety barriers from 830m to 430m, representing a 52% reduction from the existing project scope. The total number of CAM signs will also decrease by 11%.

Plans illustrating the proposed scope changes are provided at Attachment 8. It should be noted that all project scope changes need to be approved by the DTP. Should DTP not approve the scope changes to Main Creek Road, Main Ridge or Browns Road, Main Ridge it is proposed that these projects be abandoned given the significant community opposition to these projects. If DTP don't approve the scope changes for Baldrys Road, Main Ridge and Shands Road, Shoreham, it is proposed to continue with these projects as the original scope still delivers road safety benefits.

No scope changes are proposed for Hodgins Road and Carpenters Lane intersection, Hastings or Tyabb–Tooradin Road, Pearcedale or for Bayview and Old Cape Schanck Road intersection, Rosebud or Browns and Jetty Road intersection, Boneo (noting that the last two locations have not received a construction funding offer to date).

Options for consideration

Option 1 – recommended: Endorse scope changes to four of the MSL projects (Main Creek Road, Main Ridge; Browns Road, Main Ridge; Baldrys Road, Main Ridge and Shands Road, Shoreham) and accept construction funding through the MSL program for the following six projects (subject to DTP approving the proposed scope changes for projects a and b):

- Main Creek Road, Main Ridge
- Browns Road, Main Ridge
- Baldrys Road, Main Ridge
- Shands Road, Shoreham
- Hodgins Road and Carpenters Lane intersection, Hastings
- Tyabb–Tooradin Road, Pearcedale.

Abandon the Main Creek Road, Main Ridge and Browns Road, Main Ridge projects if DTP do not approve the proposed scope changes.

Endorse the following two MSL projects sites should they receive a construction funding offer:

- Bayview and Old Cape Schanck Road intersection, Rosebud
- Browns and Jetty Road intersection, Boneo.

The recommended option provides a balance of implementing road safety treatments and utilising available external funding in high-risk locations while factoring in community feedback and making adjustments where reasonable, allowing the program to still achieve its overarching intent of improving motorcyclist safety. Given this option responds to community feedback by adjusting the scope of the 4 MSL projects for which community had concerns and still allows for delivery of motorcyclist safety improvements it is the recommended option.

Option 2 – not recommended: Abandon the following four MSL project sites for which community raised concerns:

4.8 (Cont.)

- Main Creek Road, Main Ridge
- Browns Road, Main Ridge
- Baldrys Road, Main Ridge
- Shands Road, Shoreham.

Endorse the following four MSL project sites proceeding:

- Hodgins Road and Carpenters Lane intersection, Hastings
- Tyabb-Tooradin Road, Pearcedale
- Bayview and Old Cape Schanck Road intersection, Rosebud (subject to DTP funding)
- Browns and Jetty Road intersection, Boneo (subject to DTP funding).

This option would result in the abandonment of 4 of the MSL projects which currently have a funding offer leaving these locations, that have been identified as high risk to motorcyclists, untreated. In abandoning these projects there may be a reputational risk to Council that may not reflect favourably on Council for future grants applications. For these reasons it is not recommended.

Option 3 – not recommended: Endorse the following six MSL project sites with their full original scope for which a construction funding offer has been received:

- Main Creek Road, Main Ridge
- Browns Road, Main Ridge
- Baldrys Road, Main Ridge
- Shands Road, Shoreham
- Hodgins Road and Carpenters Lane intersection, Hastings
- Tyabb-Tooradin Road, Pearcedale.

Endorse the following two MSL projects sites should they receive a construction funding offer:

- Bayview and Old Cape Schanck Road intersection, Rosebud
- Browns and Jetty Road intersection, Boneo.

This option is the original full scope which has a current funding offer. This option achieves the intent of the program which is to improve motorcyclist safety but

doesn't respond to the community feedback or further investigations which Shire officers undertook. For these reasons it is not recommended.

ENGAGEMENT

Community Engagement Outcomes

In accordance with Council's resolution of 3 June 2025, to seek community feedback on the installation of roadside safety barriers and large warning signage and to consider potential impacts on village character prior to returning to Council for a decision, a six-week community engagement process was undertaken, concluding on 15 December 2025.

Engagement was facilitated through an online Shape Page and Council social media channels, with contact details provided to enable written submissions. Feedback was specifically sought on the seven project sites where roadside barriers and underrun protection are proposed. Stakeholders were also advised of the collaborative approach between Shire officers and DTP officers in developing the expanded project scopes for the relevant roads. A copy of the Visual Impact Assessment and its findings were also made available to community members for information.

Targeted letters requesting feedback were distributed to affected property owners and occupiers. In total, 570 letters were issued across the seven project sites, which include proposed new roadside barriers with underrun protection, additional underrun protection to existing barriers, and Curve Alignment Markers (CAMs). The distribution of letters issued for each project site and responses received is detailed in Table 4.

Table 4: Number of Letters Distributed, and responses received

Road	Letters distributed	Number of Responses
Baldrys Road	55	9
*Bayview Road / Old Cape Schanck Road	283	0
Main Creek Road	157	78
*Browns Road / Jetty Road	12	4
Tyabb-Tooradin Road	23	0
Shands Road	24	7
Browns Road	16	10

Note: Roads marked with an asterisk have not received an offer for construction funding from the DTP.

Summary Feedback

The community engagement process resulted in 80 written submissions (many of which responded to a number of projects) and four petitions in relation to Main Creek Road (with 61, 43, 19 and 9 signatories). Copies of the emails and submissions, with personal information redacted, including follow up submissions, primarily in relation to wildlife submitted in February 2026 are provided in Attachment 4.

Overall feedback indicates strong opposition to the proposed motorcycle safety infrastructure in the green wedge and particularly on Main Creek Road, particularly the installation of safety barriers and large warning signage. Submissions reflect an engaged local community, with key concerns focused on the perceived necessity of the treatments, potential visual and environmental impacts, and the adequacy of the evidence base supporting the proposals. The verbatim feedback received is provided in Attachment 4 and a summary of the total feedback received, and Shire officer responses are provided at Attachment 5.

Table 5 summarises the key themes identified in the community feedback by road, including concerns regarding the proposed road safety treatments and suggested alternative measures. Shire officer responses to each theme are also provided. It is noted that these themes were generally consistent across all roads that received feedback.

Table 5: Summary of Feedback Received

Key Themes from the Feedback	Officer Response
1. Concerns about consultation and engagement Residents feel they were not adequately consulted, particularly those living on Main Creek Road. Requests for evidence of community engagement and improved transparency. Calls for a community meeting to address concerns and discuss options.	Shire officers undertook a six-week community engagement process, concluding on 15 December 2025. Engagement was facilitated through an online Shape page, with contact details also provided to enable written submissions. As part of the engagement, affected communities were informed of the extended project scopes for the relevant roads. Letters seeking feedback were prepared and distributed to affected property owners and occupiers. In total,

	570 letters were issued across seven precincts where proposed. In response to community feedback, two meetings with community members who raised significant concerns were held at the Rosebud Council Office. The first session was held on 17 December 2025, followed by a second session on 29 January 2026.
2. Visual and environmental impact Strong criticism of barriers as ugly, intrusive, having a detrimental impact to visual amenity and damaging to the rural and scenic character of the area. Comparison to barriers on Arthurs Seat Road, which many residents "hate." Concerns about impacts on wildlife, especially kangaroos.	As per Council's resolution of 3 June 2025, to assess the village character, within the sections of roads subject for the installation of road safety barrier, underrun protections, curve alignment markers (CAMs) and barrier terminals, an independent expert was engaged to undertake a visual impact assessment. The assessment found that the proposed works will have a low impact on the character of the area.
3. Questions about need and evidence Residents believe motorcycle volumes are low, and dispute reported numbers. Only one motorcycle crash since 1987 cited as evidence against the need for barriers. Requests for traffic data and supporting evidence to be published.	The Network Roadside Intervention Threshold (NRRIT) was applied to all curves proposed for safety barrier installation to assess run-off road safety risk. NRRIT is a nationally recognised, State-level roadside risk assessment tool, with a rural roadside barrier threshold in Victoria of ≤ 1.5. This tool has replaced the traditional 'Clear Zone' approach in Victoria and is used to prioritise investment in roadside safety measures. At all site locations where new road safety barriers are proposed, the risk scores are above the acceptable threshold. Therefore, risk

	mitigation measures, such as the introduction of road safety barriers, should be considered to reduce the risk. In addition, the project sites have a history of road crashes, indicating ongoing road safety concerns in these areas. A crash summary for the period between 2019 and 2024 is provided in Attachment 6.
4. Preference for alternative safety measures Broad support for speed limit reductions (e.g., 60 km/hour (h) through Purves Road and Shands Road). Suggestions for lower-impact treatments, including: • Audio-tactile line marking • Skid-resistant surface treatments. • Improved maintenance and pothole repairs. • View that road condition, not lack of barriers, is the real safety issue.	Alternative safety measures, such as skid-resistant surfacing, have been investigated and proposed as an alternative treatment at some locations instead of proposed safety barriers. However, skid-resistant, audio tactile line marking, speed reduction treatments do not adequately reduce the severity of run-off-road crashes and are therefore not aligned with the Safe System approach. Accordingly, Safe System-aligned treatments, including road safety barriers and the use of CAM's, are proposed where feasible. Speed reduction treatments are not eligible for funding under the MSL Program and therefore not considered as part of this program. However, the appropriate speed for these roads will be considered separately to the MSL Program.
5. Concerns about funding and project rationale Perception that Council may feel obliged to use State funding even if	As part of the MSL Program, only limited treatments are eligible, including new motorcyclist-friendly barrier treatments, retrofitting underrun protection to existing barriers, improving signs and line marking, and bellmouth and

the project lacks community support. Belief that funds may be better directed to: Rider training and education. Higher-risk intersections (e.g., White Hill Road / Arthurs Seat Road). Funding should be focused on repairing potholes and surface irregularities on road sections as a priority and to undertake a signage audit.	shoulder sealing. Full intersection upgrades are not funded under the program, as they would require significant costs. However, Shire officers continue to advocate to DTP for road safety improvements on state-managed roads (e.g. White Hill Road/Arthurs Seat Road). Pothole repairs are not funded under the MSL Program, and the proposed treatments are Safe System-aligned to reduce the likelihood and severity of run-off-road crashes. In addition, the project proposal will reduce the overall number of CAM signs. A further review of CAM sign numbers will be undertaken at the detailed design stage to assess opportunities for additional reductions, having regard to the requirements of the relevant Australian Standards.
6. Impact to wildlife Strong concern is expressed that roadside barriers and underrun protection may restrict wildlife movement, trap animals on the roadway, increase wildlife-vehicle collisions, and create risks for motorists and wildlife responders, particularly in high-biodiversity areas adjacent to Greens Bush. Several submissions reference the Victorian Inquiry into Wildlife Roadstrikes (May 2025).	The <i>Fauna Sensitive Road Design Guidelines and Visuals</i> released by the Victorian Infrastructure Delivery Authority (VIDA) in 2025 note that certain roadside safety barriers incorporating underrun protection can restrict the movement of some wildlife. The guidelines recommend that, where practicable, the use of barriers with underrun protection should be avoided in areas with high wildlife activity. Where avoidance is not feasible as is the case for the proposed roadside barriers across the four project sites, the guidelines recommend the following measures to minimise impacts on wildlife:

	Underrun protection installed on one side of the road should not exceed 500m without a break or escape mechanism Install on both sides of the road to prevent animals from accessing the road from either side. Where wildlife movement is important, crossing structures should be provided The longest roadside barrier with underrun protection proposed under the revised project scopes is located on Browns Road and measures 338m, which is within the guideline threshold. None of the revised project scopes include roadside barriers on both sides of the road. This approach reflects standard practice, whereby treatments are typically focused on the inside of curves with tighter radii, reduced carriageway width, and limited shoulder width, where the likelihood of rider error is higher.
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Community Meetings

In response to community feedback, two meetings with community members who raised significant concerns were held at the Rosebud Shire Office. The first session was held on 17 December 2025, followed by a second session on 29 January 2026.

A summary of the key discussion points and agreed actions arising from the January meeting is provided in Attachment 7.

COMMUNICATIONS PLAN

Following Council's decision DTP will be notified and road safety stakeholders and community groups that were directly contacted during consultation will be updated.

In addition, a dedicated webpage on the Shire's website will be maintained to provide information on the engagement process, Council decisions, and project progress.

LEGAL AND REGULATORY FRAMEWORK

Councils have legislated responsibilities in relation to road safety through the *Road Management Act 2004* and *Transport Integration Act 2010*, such as:

- *Road Management Act 2004*, section 38 (c) (iii): A road authority should seek to ensure “that the public road network and infrastructure are as safe for users as is reasonably practical”
- *Transport Integration Act 2010* – Transport System Objectives, section 13 (‘Safety and health and wellbeing’):
 - (1) “The transport system should be safe and support health and wellbeing”
 - (2)(a) The transport system should “seek to continually improve the safety performance of the transport system through:
 - (i) safe transport infrastructure
 - (ii) safe forms of transport
 - (iii) safe transport system user behaviour.”

Under the *Road Management Act 2004* and *Local Government Act 1989*, councils have the authority to undertake works on roads, such as construct road safety improvements.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable.

FINANCIAL CONSIDERATIONS

If Council accepts the construction funding for the six MSL projects, it will receive approximately \$1.78 million to implement road safety upgrades.

If Council does not accept the construction funding for all or some of the seven MSL projects sites, it will receive less or no grant funding.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.9 Transport Infrastructure (including Road and School Safety) Advocacy Priorities

Issued By	Manager – Strategic Planning, Transport & Environment
Authorised By	Director – Planning & Liveability
Document ID	A13957077
Briefing Note Number	BN2170 – 3 March 2026
Attachment(s)	1. DTP Road Safety Locations 2. School Safety Locations 3. Transport Infrastructure Advocacy Priorities 4. Proposed 30kmh School Trial Locations

EXECUTIVE SUMMARY

This report provides Council with a list of transport infrastructure priorities (including road and school safety) for ongoing advocacy and for the State election. The list is informed by feedback received through the Safer Roads Funding and Priorities consultation in 2025, the Integrated Transport Strategy consultations, Council strategies and ongoing strategic discussions with the Department of Transport and Planning. It also responds to long-standing legacy transport planning challenges.

The report also proposes further investigation and community consultation for potential 30 kilometre per hour (km/h) speed limit trials around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School.

RECOMMENDATION

That Council:

- 1. Notes the road and school safety locations and community sentiment (Attachment 1 and 2) and that these will be shared with the State Government to demonstrate locations of concern.**
- 2. Endorses the Transport Infrastructure Priorities, as at Attachment 3, as the priority for ongoing advocacy and for the State election.**
- 3. Endorses further investigation and community consultation for potential 30 kilometre per hour speed limit trials around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School noting that a report will be presented to Council once this has been completed for a decision on whether to proceed with the trials.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 2.1: A safe, accessible, inclusive and healthy community.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles (B) which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the 3 June 2025 Council Meeting, in relation to Item 4.2 – School Traffic Management, Council endorsed *‘Shire officers providing a report to Council by December 2025 that recommends wider road safety priorities and school safety priorities based on feedback from the Safer Roads Funding and Priorities and initial Integrated Transport Strategy consultation.’*

At the 3 June 2025 Council meeting, in relation to Item 4.5– Road Safety Funding Applications and Priorities, Council endorsed *‘Shire officers provide [ing] a report to Council by December 2025 that recommends additional road safety priorities for advocacy in response to the community feedback received from the Road Safety Funding Applications and Priorities consultation.’*

At the 8 September 2020 Council Meeting, Council adopted the Mornington Peninsula Towards Zero 2020–2025 road safety strategy, which provides a framework for reducing the high levels of road trauma on the Mornington Peninsula.

At the 11 April 2016 Council Meeting, Council resolved that Mornington Peninsula Shire become a Towards Zero municipality, with the vision of eliminating road deaths and serious injuries.

DISCUSSION

Purpose

The purpose of this report is to provide Council with a list of transport infrastructure priorities (including road and school safety) for ongoing advocacy and for the State election.

The report also proposes further investigation and community consultation for potential 30km/h speed limit trials around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School.

Background

The Mornington Peninsula records one of Victoria's highest levels of road trauma, with 105 fatalities and more than 2,300 serious injuries over the past 15 years. Road safety remains a major community concern, evidenced by approximately 1,000 related customer service requests received by the Mornington Peninsula Shire each year and over 2,000 responses to the 2025 Road Safety Funding Applications and Priorities community consultation in 2025.

In 2016, the Shire became Victoria's first 'Towards Zero' municipality, committing to the elimination of road deaths and serious injuries. This commitment is outlined in the Mornington Peninsula Towards Zero 2020–2025 Road Safety Strategy.

The Shire faces complex road safety challenges, including a large and diverse road network, inconsistent rural road standards, legacy infrastructure, high visitor volumes, lack of public transport and limited active transport options.

The Shire's Road Safety Strategy is guided by the internationally recognised Safe System approach, which acknowledges human error and vulnerability but maintains that no death or serious injury is acceptable. The approach is founded on four pillars:

- Safer Roads – upgrade of roads and intersections
- Safer Speeds – management of vehicle speeds to be within safe limits
- Safer Road Users – education and enforcement of drivers and other road users
- Safer Vehicles – improvement of vehicle safety and motorists driving the safest vehicle they can afford.

Traditionally, road safety efforts have focused on locations with established crash histories, often referred to as 'Black Spots.' While analysing past incidents remains important, contemporary best practice emphasises proactively identifying and

addressing systemic risks contributing to the likelihood and severity of crashes, before serious incidents occur.

Community Engagement

During March and April 2025, Shire-wide community engagement, Safer Roads Funding Applications and Priorities, were undertaken on possible future road safety improvements on both Shire-managed and State-managed roads. In addition, a consultation period specifically for the Integrated Transport Strategy was run between November and December 2024.

As part of the Safer Roads Funding Applications and Priorities consultation, feedback was sought on 72 high-risk locations managed by the Department of Transport and Planning (DTP) or jointly managed with the Shire. The community identified additional priorities at DTP-managed or jointly-managed locations of concern, resulting in a total of 90 priority sites across the Shire. These locations are listed in Attachment 1 and ordered by the number of respondents who agreed that each site presents a "High Risk," from highest to lowest community support.

A total of 60 school locations across the Peninsula were identified through the Road Safety Funding Applications and Priorities Consultation and the Integrated Transport Strategy consultation as having road safety concerns or being considered high risk. Of these, 18 locations are managed or jointly managed by DTP, as shown in Attachment 2.

The locations identified in Attachment 1 and 2 will be shared with the State Government to demonstrate locations of concern. Continued community advocacy in relation to these locations would be beneficial and should be encouraged.

As Council-managed locations do not require external advocacy, these have not been included in Attachment 1 and 2. For Council-managed locations, the feedback from the community engagement will be used to help identify priorities for future grants and funding applications for programs such as the Black Spot Program. A separate report will be brought to Council later in the year seeking endorsement of the 2027/2028 Black Spot Program application locations.

Transport Infrastructure Advocacy Priorities

The top road and school safety priorities, along with strategic transport and active transport priorities, have been collated into transport infrastructure priorities (Attachment 3).

The strategic transport and active transport advocacy priorities have been identified through established Council strategies, including the Pedestrian Access Strategy as well as through ongoing strategic discussions with the DTP. They also

respond to long-standing legacy transport planning challenges, such as the Southern Peninsula Network Planning and emerging state-significant issues such as Western Port Freight planning; these issues are state-significant transport matters that require coordinated attention and investment.

By establishing an agreed priority list, the Shire can communicate consistently, respond quickly to engagement opportunities, and direct advocacy efforts toward projects that reflect demonstrated community need and strategic importance.

It is proposed that these transport infrastructure priorities are the focus of Council's ongoing advocacy and for the State Election.

30 km/h Speed Limit Trials

DTP's Speed Zoning Policy (updated August 2025) (the Policy) guides appropriate speed limits within school precincts and surrounding road networks. The Policy identifies a suitable range of 30 to 40 km/h for streets around schools, consistent with Safe System Principles. These principles highlight the significant difference in pedestrian survivability during a crash: at 40 km/h, the likelihood of survival is approximately 60%, whereas at 30 km/h it increases to around 90%. This substantial improvement underscores the importance of lower speed environments in areas with high pedestrian activity, such as school zones.

For streets directly abutting schools in built-up areas, the Policy recommends permanent 30 km/h speed limits, except where roads function as arterial routes or hold a higher movement function, in which case variable limits may be more appropriate. The Policy also supports 30 km/h limits on local streets within a 200 metre radius of a school boundary. These may be permanent, time-based, or a combination of both. These lower speed limits reflect the role of these streets as active transport corridors for students walking or cycling to school.

Under the updated Policy, 40 km/h now represents the maximum permissible speed limit within school precincts. In locations with high levels of pedestrian, cyclist, and other vulnerable road user activity (particularly on streets abutting schools and within the 200 metre catchment), implementing 30 km/h speed zones is likely to deliver safer outcomes.

A slower speed environment supports Council's broader goals of encouraging walking and cycling, reducing short car trips, and easing congestion around school gates. Parents often cite traffic speed as a primary safety concern when deciding whether their children walk or ride. Implementing a 30 km/h environment provides a safer buffer for the unpredictable movements typical of young pedestrians.

Compared with major infrastructure projects, changing speed limits represents a cost-effective safety intervention. When complemented by signage and

4.9 (Cont.)

community education, 30 km/h zones can deliver substantial improvements without large capital works.

Given the above, it is proposed to investigate a trial of 30 km/h areas around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School (refer to Attachment 4 for location details).

These schools have been selected for further investigation as the Shire regularly receives customer service cases relating to speed and safety concerns, and all their property boundaries are on Shire-managed roads. Tootgarook Primary School is within a 40 km/h residential zone, so all the surrounding residential streets have a permanent speed limit of 40 km/h. The other two schools have a 40 km/h speed limit in the immediate vicinity of the school, and the surrounding residential network has a 50 km/h speed limit.

Should Council be supportive of undertaking further investigations and community consultation for a 30 km/hr trial in these locations, the following would occur over the next 12 months:

- Determine what area around each would be suitable for the 30km/hr limit.
- Conduct traffic assessments to gather 'before' data to enable further analysis should the speed limits be changed.
- Undertake consultation with the schools, school community and residents in the immediate area.

A report would then be brought back to Council to determine whether to proceed with the trials.

Options for consideration:

Option 1 – Endorse the transport infrastructure advocacy priorities and further investigate and undertake community consultation for 30km/h school zone trials around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School (recommended option).

This will provide Council with a prioritised list of projects to focus advocacy efforts on an ongoing basis and in the lead up to the State Government election. It also enables the investigation of trial 30 km/hr areas around three schools prior to seeking a Council decision on whether to proceed with a trial.

Option 2 – Endorse all of the road and school safety locations (Attachments 1 and 2) for advocacy as well as the transport infrastructure advocacy priorities (Attachment 3) (not recommended).

This will mean Council's advocacy ask is not as clear or concise and may result in less effective advocacy. The top road and school safety locations are already included in the transport infrastructure advocacy priorities.

Option 3 – Not proceed with further investigation or community consultation for potential 30km/h school zone trials (not recommended).

This will mean that community sentiment about 30km/hr speed limits around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School will not be known and further investigations into trial speed limit reductions in these locations will not proceed.

ENGAGEMENT

Shire-wide community engagement was undertaken during March and April 2025 on possible future road safety improvements on both Shire-managed and State-managed roads.

Consultation with schools, school community and residents in the immediate area will be undertaken should Council endorse further investigation into a 30 km/hr trial around Tootgarook Primary School, Mount Martha Primary School and Eastbourne Primary School.

COMMUNICATIONS PLAN

The Transport Infrastructure Advocacy Priorities (Attachment 3) will be publicly available on the Shire's website as will the

LEGAL AND REGULATORY FRAMEWORK

Councils have legislated responsibilities in relation to road safety through the *Road Management Act 2004* and *Transport Integration Act 2010*, such as:

- *Road Management Act 2004*, section 38 (c) (iii): A road authority should seek to ensure "that the public road network and infrastructure are as safe for users as is reasonably practical"
- *Transport Integration Act 2010* – Transport System Objectives, section 13 ('Safety and health and wellbeing'):
 1. "The transport system should be safe and support health and wellbeing"
 - 2a. The transport system should "seek to continually improve the safety performance of the transport system through
 - (i) safe transport infrastructure

- (ii) safe forms of transport
- (iii) safe transport system user behaviour."

Under the *Road Management Act 2004* and *Local Government Act 1989*, councils have the authority to undertake works on roads, such as construct road safety improvements.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Not applicable

FINANCIAL CONSIDERATIONS

Transport advocacy as well as investigation and community consultation in relation to 30 km/hr school speed zone trials can all be accommodated within existing budgets.

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

4.10 Response to Notice of Motion 504 – Pedestrian Link between Jetty Road and Cleek Crescent, Rosebud

Issued By	Manager – Strategic Planning, Transport & Environment
Authorised By	Director – Planning & Liveability
Document ID	A14041893
Briefing Note Number	BN2175 – 3 March 2026
Attachment(s)	1. Evaluation Methodology 2. Potential footpath alignments & pedestrian bridge

EXECUTIVE SUMMARY

This report responds to Notice of Motion (NOM) 504 and provides an assessment of the missing pedestrian link between Jetty Road and Cleek Crescent, Rosebud. The link lies outside the Urban Growth Boundary (UGB) and is therefore not included in the adopted Principal Pedestrian Network (PPN). An indicative assessment using the Pedestrian Access Strategy (PAS) methodology places it at Rank 57 of 118 (Score 55), representing a mid-range priority relative to existing PPN projects.

While there is strong local community support for improved pedestrian access, the project is constrained by significant environmental, cultural, safety and constructability challenges and would require a compliant pedestrian bridge with also possible boardwalk structures. These factors contribute to an estimated delivery cost of \$1.5 million, subject to further investigation and detailed design.

Given its location outside the PPN and its mid-range ranking, a community-initiated Special Charge Scheme represents the most feasible short- to medium-term pathway. Council may also choose to consider funding through the annual budget process should it wish to progress the project.

RECOMMENDATION**That Council:**

- 1. Notes the assessment of the missing pedestrian link between Jetty Road and Cleek Crescent, including its indicative mid-range priority ranking and identified constraints.**
- 2. Notes that the funding options include a community initiated Special Charge Scheme or funding through Council's annual budget considerations.**

COUNCIL PLAN

This aligns with the Council Plan 2025–2029, in particular:

Place: Celebrate, protect and enhance our unique blend of coast, hinterland, Green Wedge and connected villages and townships.

Strategic Objective 1.2: Connected townships with integrated and accessible transport and well-maintained infrastructure.

People: A safe, accessible, inclusive and engaged community that fosters our diverse culture, supporting health and wellbeing and a connected and compassionate society for all.

Strategic Objective 2.1: A safe, accessible, inclusive and healthy community.

GOVERNANCE PRINCIPLES

Section 9 of the *Local Government Act 2020* states that a Council must in the performance of its role give effect to the overarching governance principles. This report aligns with principles B, D and I which are:

- B. Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
- D. The municipal community is to be engaged in strategic planning and strategic decision making.
- I. The transparency of Council decisions, actions and information is to be ensured.

RELEVANT COUNCIL DECISIONS AND POLICIES

At the 14 October 2025 Council Meeting, in response to NOM 504 – Pedestrian Link between Jetty Road and Cleek Crescent Rosebud, Council resolved:

That Council:

1. *Requests officers undertake an assessment of the missing pedestrian link between Jetty Road and Cleek Crescent, Rosebud.*
2. *Ensures that the assessment includes:*
 - A. *Its alignment with the Pedestrian Access and Priority Network (PPN) Plan criteria*
 - B. *An indicative ranking relative to other missing links within the PPN*

- C. *Advice on potential funding mechanisms, including community-initiated special charge schemes.*
- 3. *Receives a report on the outcome of the assessment to inform capital works programming and potential funding opportunities that may also be released to the public.*

DISCUSSION

Purpose

To inform Council on the outcome of the assessment of the missing pedestrian link between Jetty Road and Cleek Crescent, Rosebud as per Council's resolution on the 14 October 2025 in response to NOM 504.

Background

Council adopted the Pedestrian Access Strategy (PAS) and Principal Pedestrian Network (PPN) on 5 March 2024.

The PPN identifies priority pedestrian routes within the Urban Growth Boundary (UGB), primarily linking activity centres, schools, and key transport nodes. By identifying these routes and prioritising investment in them, a PPN helps integrate land use and transport planning, ensuring the development of a more safe, convenient and sustainable transport system. It also ensures that Council funding is used to deliver footpaths that connect the greatest number of people to key destinations.

Prioritisation is based on the evaluation methodology outlined in the PAS (Attachment 1) including the assessment of adjacent land use, population density, and accessibility to primary destinations.

During community consultation on the draft PAS and PPN, Council received 443 submissions, including 27 submissions specifically identifying the missing pedestrian connection along Old Cape Schanck Road between Jetty Road and Cleek Crescent, Rosebud. This location was the most frequently nominated single site across the municipality.

Alignment with the Pedestrian Access Strategy

The identified missing link along Old Cape Schanck Road lies outside the UGB and is therefore not included in the adopted PPN. As such, it was not assessed or prioritised as part of the PAS.

The reason for excluding areas outside the UGB from the PPN was because these areas are not locations for housing growth. As such, fewer people will benefit from

Council's investment in pedestrian infrastructure in these areas compared to areas within the UGB.

It is acknowledged that the proposed link would connect the Cleek Crescent residential estate (outside the UGB) to the existing pedestrian network within the UGB.

Indicative Priority Ranking

Applying the PAS/PPN scoring framework to the Old Cape Schanck Road link results in an indicative score of 55, which would place the project at approximately 57 of 118 potential PPN footpaths if it were included.

This mid-range ranking reflects the link's relative distance from major destinations such as activity centres, schools, and shops when assessed against the broader PPN.

Field Assessment and Constraints

A field inspection identified several significant constraints that would affect the feasibility, cost, and potential impacts of constructing a pedestrian footpath, including:

- The requirement for a structurally compliant pedestrian bridge over Drum Drum Alloc Creek
- The likely need for boardwalk construction through low-lying terrain and environmentally sensitive areas
- The need to assess biodiversity impacts associated with significant roadside bushland
- The potential requirement to assess cultural heritage sensitivities
- The necessity to provide a safe pedestrian crossing and connection at Jetty Road to the existing shared path network.

These constraints indicate that the project would likely be complex and costly.

Existing Non-Compliant Pedestrian Bridge

A community-constructed pedestrian bridge currently spans Drum Drum Alloc Creek, facilitating access along the informal track. The bridge was installed in response to narrow shoulder widths and roadside guardrails along Old Cape Schanck Road that make crossing the creek on-road unsafe for pedestrians.

A structural assessment has determined the bridge is non-compliant and unsafe. To mitigate ongoing safety risks, replacement with a compliant structure is

recommended in the medium term, subject to further investigation, design, and inclusion in a future Capital Works budget. However, as the non-compliant bridge provides a safer option than walking along the narrow shoulder, low-cost interim works to improve the structural integrity and safety of the existing bridge have been undertaken. These works included installing timber handrails, reinforcing supports, and improvement to the approaches. Even with these works undertaken, the bridge will remain non-compliant, primarily due to the narrow bridge width, the minimal clearance to the road edge and guardrail, and the ad hoc attachment to the culvert end wall.

Provision of a compliant pedestrian bridge could be justified independently of any future footpath construction, as it would allow continued off-road pedestrian movement across the creek and remove the need for pedestrians to access the roadway at this location.

Refer to Attachment 2 showing the non-compliant pedestrian bridge.

Options for Consideration

Potential Footpath Alignments and Safety Considerations

Western Side (Existing "Goat Track")

A potential alignment could follow the existing informal track on the western side of Old Cape Schanck Road. This option may minimise vegetation clearing but would still result in some impact to native flora.

However, this alignment is located close to private property boundaries and is largely screened from the roadway by dense vegetation, resulting in limited passive surveillance and restricted visibility, which would raise personal safety concerns.

Roadside Alignment – Western Side

An alignment closer to the roadway would improve visibility and passive surveillance but would result in greater biodiversity impacts and face significant topographical and constructability challenges.

Eastern Side

Construction on the eastern side of Old Cape Schanck Road is not considered feasible due to the presence of a designated bushland reserve and steep roadside topography.

Refer to Attachment 2 for a map showing indicative locations of the optional footpath alignments.

ENGAGEMENT

Community feedback was received during prior consultation on the draft PAS and PPN.

COMMUNICATIONS PLAN

Not applicable.

LEGAL AND REGULATORY FRAMEWORK

Not applicable.

CLIMATE AND SUSTAINABILITY CONSIDERATIONS

Footpaths provide a more sustainable transport option by encouraging active transport and therefore a reduction in carbon emissions.

FINANCIAL CONSIDERATIONS

Cost and Funding Options

The indicative cost of delivering a footpath, including a compliant pedestrian bridge, is estimated at \$1.5 million, subject to further investigation and detailed design.

Two potential funding pathways are available:

1. Council Capital Works and External Grants

PPN projects are typically delivered through Council's Capital Works Program, supplemented by state or external grant funding if available.

Given this footpath is not on the PPN, no budget bid has been submitted for consideration as part of the 2026/2027FY budget process.

2. Community-Initiated Special Charge Scheme

For infrastructure outside the PPN or of lower priority, a Special Charge Scheme (SCS) may be used to fund the construction of footpaths. For these footpaths a community initiated SCS would be required. Under this Scheme, property owners make the request, the majority of affected parties need to agree to the SCS and the footpath is fully funded by the affected parties. Approximately 70 properties within the Cleek Crescent estate and adjoining western side of Old Cape Schanck Road could be eligible to participate in the scheme.

Alternatively, Council may elect to part-contribute to such a scheme where broader community benefit is demonstrated or there is an identified risk that needs addressing.

4.10 (Cont.)

Further guidance is provided in Council's Infrastructure Works Special Charge Scheme Policy, which outlines benefit assessment and cost apportionment principles. This is available on Council's website:

www.mornpen.vic.gov.au/Building-Planning/Engineering/Special-Charge-Schemes

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

5 NOTICES OF MOTION

Nil.

6 URGENT BUSINESS

Under Council's Governance Rules, no business may be admitted as urgent business unless it:

1. Relates to a matter which has arisen since distribution of the Agenda.
2. Cannot because of its urgency, be reasonably listed in the Agenda of the next Council Meeting.
3. Councillors by a majority vote, vote in favour of a matter being dealt with as urgent business.

7 CONFIDENTIAL ITEMS

Nil.